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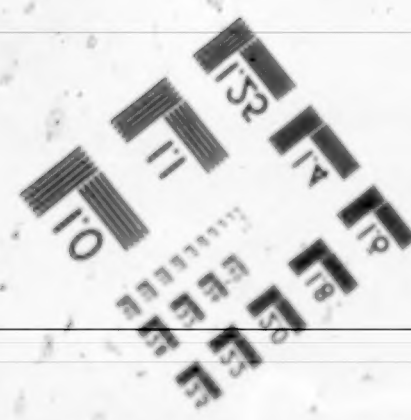
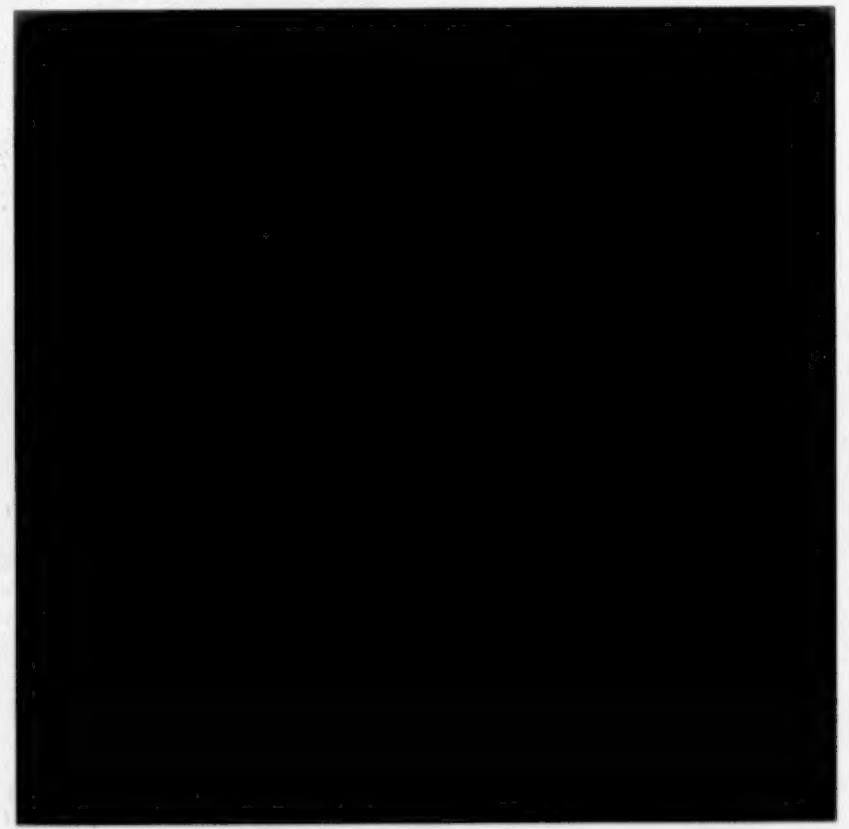
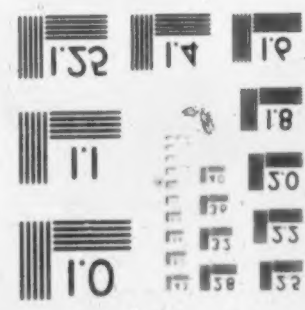
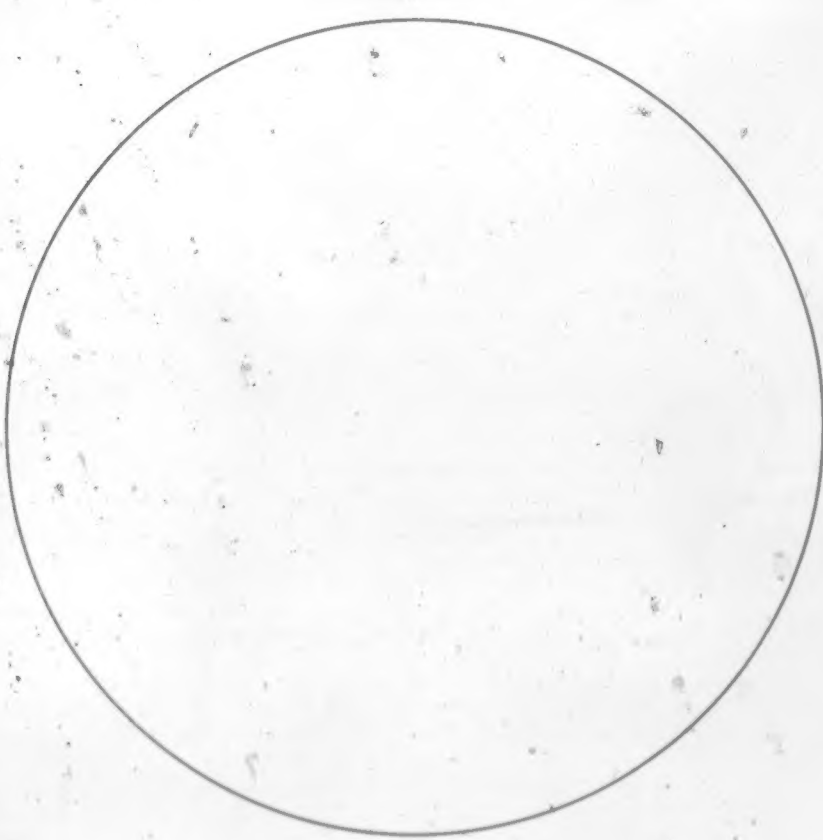
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MISSISSIPPI CHOCTAW MCR 2885 - 2386

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1888 - 1914

COMMISSION TO THE FIVE CIVILIZED TRIBES

APPLICATIONS FOR EMPLOYMENT OF THE

MICROFILM PUBLICATION M1301

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Choctaw MCR 5682

Jesse Mitchell

See MCR 5683

MCR 5682

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 27, 1902.

5682

In the matter of the application of Jesse Mitchell for the identification of himself and his two minor children, Essie and Lessie Mitchell, as Mississippi Choctaws.

Gresham & DuBois, attorneys for applicant.

Jesse Mitchell being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jesse Mitchell.
Q Any middle initial? A No sir.
Q What is your age? A I am fifty seven years old.
Q What is your post office address? A Poteau;-- no, Wilburton, Indian Territory.
Q How long have you lived at Wilburton? A Four years.
Q Q Where did you live before that? A I lived at Hartshorn, and really my folks has been there, and my smaller children have been going to school, but I have been selling goods at Wilburton.
Q Where were you born? A In Carol County, Arkansas
Q How long have you lived in that State? A About twenty three or twenty four years.
Q Then you went where? A Sebastian County, Arkansas; then I come to the Indian Territory.
Q Is your father living? A No sir.
Q Is your mother? A No, sir.
Q What was your father's name? A W.C. Mitchell.
Q What was your mother's name? A Nancy Mitchell.
Q Through which parent do you claim Choctaw blood? A My father?
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory?
A Not that I knew of.
Q Have you proof of the marriage of your father and mother with you now? A No sir.
Q Can you tell when and where they were married? A I don't know; years ago.
Q Are you married? A Yes sir.

Q What is your wife's name? A Rebecca Jackson. Mitchell now.
Q Is she a white woman and living? A Yes sir.
Q No Indian blood? A No sir.
Q You don't make any claim for her then? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have two under twenty one.
Q Give me the names and ages of these two. A Essie and Lessie; they are twins; they are sixteen years old.
Q Is Rebecca Mitchell the mother of these children? A Yes sir.
Q And your wife and children are living with you at your home? A Yes sir.
Q You claim for yourself and children, do you? A Yes sir. That's all the children I have got living at home.
Q When and where were you married to your wife, Rebecca? A I married in Carroll County, Arkansas-- it was Boone County after it was cut off; January 1867.
Q By a minister and under a license? A No, by Justice of the Peace.
Q Have you proof of that marriage with you now? A No sir; here's a couple of my brothers was there.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory or the names of your children? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application to the Dawes Commission for yourself and children under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made for yourself and children for enrollment as Choctaw Indians? A Yes sir; never did before now before any authority.
Q You never have been enrolled as Choctaw Indians by any authority? A No sir.
Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? If you don't I will explain it. A I don't know as I do.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was signed on the 27th day of September 1830 and ratified on the 24th day of February, 1831; the object of the treaty was to remove all the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the Indian Territory. A good many Indians refused to come under the treaty, to the Indian Territory, and in order to protect their interests article fourteen was put into the treaty: it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and

a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty?

A No sir.

Q You understand that now well enough to claim under it? A I think I understand it.

Q What is the name of your ancestor through whom you claim your Choctaw blood? A My father.

Q Go back to your remote ancestor as far as you can. A That's as far back as I can go.

Q Did you ever hear of Alsira Mitchell? A Yes, I have heard talk about it- that's all I know.

Q Do you know who her husband was? A Sam Mitchell, I believe.

Q How was she related to you? A I reckon she was my grandmother. That's the way I've got it.

Q Do you know how much Choctaw blood Alsira Mitchell had? A No sir.

Q Do you know whether she understood the Choctaw language at all? A I don't.

Q Do you know when she was born and where? A No sir.

Q Know when and where she died? A No sir.

Q Know whether she lived in Mississippi or Alabama? A I have understood she lived in Mississippi.

Q She lived there in the old Choctaw Nation? A Yes sir.

Q Do you know whether she lived there in 1830 and had children living with her then? A I don't know.

Q You don't know whether she was head of a family then in Mississippi in 1830? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A Well, you see that is before I was big enough to know anything about it.

Q Did you ever hear anything about it in the family? A I have heard it talked about but I don't know as I can state it properly; I never paid much attention.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know; my uncle went back to Mississippi before the War to settle up some kind of business there but what it was I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I can't tell you

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell

him that they wanted to stay in Mississippi, take land there and become citizens of the States? Ever hear about that? A I can't tell you anything about that.

In 1837 by an act approved March 3, that year, and also in 1842 by an act approved August 23, that year, Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; the reason why these two Commissions were appointed was because of the many complaints made by the Choctaw Indians who stayed back there who claimed they had gone to Col. Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and had attempted to register their names with him under that article of that treaty but that he had refused to make register of their names and as a result of his refusal a great many Indians who had land in the old Choctaw Nation upon which they had improvements lost both there for they were taken from them by the Government and sold.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen- do you know? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under that article of that treaty if it also appeared that he had formerly held land in the old Choctaw Nation which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip, do you know, as Choctaw Indians? A No sir.

Q What relation is Sarah C. Harris to you? A Sister.

Q W.C. Mitchell? A Nephew.

Q Would you like to have their applications considered with yours? A Yes sir.

The case of Sarah C. Harris, M.C.R. 5681, and W.C. Mitchell 5586, are here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Have you any evidence that you want to introduce now in support of this claim? A No sir.

Q Would you like a little time in which to introduce further testimony? A Yes sir.

On request of attorneys for applicant, thirty days time is allowed this applicant in which to introduce further evidence if he desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes and ruddy complexion, hair formerly brown and now somewhat gray, light brown mustache, now somewhat gray.

Q Do you understand Choctaw? A No sir.

He does not understand Choctaw and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 27, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 29 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY. H.C.R. 5682

Muskogee, Indian Territory, July 14, 1904.

Jesse Mitchell,

Wilburton, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your children Essie and Lessie Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R.-5682.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Jesse Mitchell,

Wilburton, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 21 1902

Name *Joan Mitchell*Age 5-7 Blood *Don't know*Post-Office, *Wilburton, I. T.*Father, *W. C. Mitchell* dMother: *Nancy* " d

Claims through *father*
wife, Rebecca Mitchell w. l
No claim for wife

Children:

Emie, (tome) 16
Lennie. 16

Claims for self & 2
children

Photographer *H. H. Harris*

Choctaw MCR 5683

Robert H. Mitchell

MCR 5683

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 27, 1902.

5683

In the matter of the application of Robert H. Mitchell for the identification of himself and his minor child, Mahala E. Mitchell, and his grandchild, Henry H. Powers, as Mississippi Choctaws.

Gresham & DuBois, attorneys for applicant:

Robert H. Mitchell being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert H. Mitchell.
Q What is your age? A I was born in '37.
Q How old are you now? A I am sixty five on my birthday.
Q What is your post office address? A Richard. (Reichart?)
Q What State or Territory? A Choctaw Nation, Indian Territory.
Q How long have you lived at Richard, Indian Territory? A I have been in that County for twenty nine years.
Q Where did you live before that? A Down close to Kullyehaha, Indian Territory.
Q How long have you lived in the Indian Territory altogether?
A About twenty seven years.
Q Where were you born? A In Carroll County, Arkansas.
Q From there did you go to the Indian Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A W.C. Mitchell.
Q What was your mother's name? A Nancy Mitchell.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A I claim about a quarteroon.
Q One quarter? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not as I know of.
(By Attorney--"You don't mean a quarter.")
Q How much do you claim? A I have been taught that my grandmother was a half breed.

- Q Your mother would be a quarter and how much would you be? A One eighth is what I claim.
- Q Have you proof of the marriage of your father and mother with you? A No sir, I haven't.
- Q Do you know when and where they were married? A I have been taught right on the line in Tennessee across the river from Mississippi.
- Q Remember the date? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Martha T. Mitchell.
- Q Is she living? A Yes sir.
- Q White woman or Choctaw Indian? A White woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any children under twenty one years of age or unmarried? A I have one.
- Q Do you want to make application for that child? A Yes sir.
- Q What is the name? A Mahala E. Mitchell.
- Q How old is she? A She will be seventeen her birthday.
- Q That's all is it? A I have some grand children which I have been guardian for since their father and mother died; there's one under age and the other two isn't. I would like to put in application for that one under age.
- Q They live with you? A Yes; I raised them; their father's been dead about fourteen years and their mother about three years; I have had charge of them since their father died.
- Q What is the name of this minor child? A Henry H. Powers.
- Q How old is this grandchild? A He will be seventeen his birthday.
- Q What is his father's name? A Berry Powers.
- Q What is his mother's name? A Nancy Mitchell or Powers.
- Q Berry Powers and Nancy are dead? A Yes sir.
- Q You have had charge of these child? A Ever since the father died for four teen years.
- Q Is Nancy Powers your daughter? A My daughter.
- Q And you claim Choctaw blood for this grand-son, Henry H. Powers through your daughter Nancy? A Yes sir.
- Q How much Choctaw blood do you claim for this grandchild? A Well, I can't say.
- Q Well, you claim one eighth for yourself, don't you? A Yes sir.
- Q This boy's mother would be a half of that which is $1/16$; and her son would be a half of her Choctaw blood which is $1/32$; do you know whether that is right or not? A I can't tell.
- Q You can't figure out these things can you? A No sir; the father was a white man.
- Q Has your daughter, Nancy, the mother of Henry H. Powers, was she ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q You claim for your own daughter, Mahala, and your grandson, Henry H. Powers? A Yes sir.
- Q When and where were you married to your wife, Martha? A Boon County, Arkansas on the 25th day of December 1857.

Q Have you proof of that marriage with you? A Not with me.
 Q Do you know when and where the father and mother of Henry H. Powers were married? A No sir, I don't.
 Q Do you know if they were married under a license? A No sir, all I can tell is that they was living there in the community I lived in and raised a big family and the last account I heard of them they was thought as man and wife. No, let's see they was married in the Choctaw Nation.
 Q You haven't proof of their marriage here? A No sir.
 Q Is your name or the name of Henry H. Powers or your daughter on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for yourself, your daughter or this grandchild for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir; I appeared before the Dawes Commission myself but made no application for them.
 Q You didn't appear in 1896? A No sir.
 Q Did you ever appear for yourself and these children for citizenship in the Choctaw Nation before the Choctaw tribal authorities in the Indian Territory? A No sir.

The records of the Commission show that on October 10, 1899, at Tushkahoma, Indian Territory, the applicant, Robert H. Mitchell, appeared before the Commission for enrollment as a Choctaw and that on May 19, 1902, a decision was rendered adverse to the application of the said Robert H. Mitchell; and on the same date the record was forwarded to the Secretary of the Interior for final review.

Q In that application at Tushkahoma, October 10, 1899, you gave as your age, then as fifty three is that right? A Sixty three.
 Q You think that's a mistake? A Yes, it was a misunderstanding of McKennon I am satisfied.
 Q Do you now come before the Commission to make application for the identification of yourself, your daughter and your grandson, Henry H. Powers, as Mississippi Choctaws? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830? A I don't understand.
 Q Well, say you don't understand and I will explain it to you. Do you understand what a treaty is? A Its an agreement---
 Q In writing between Nations. Such a compact or agreement or contract was made between the United States Government and the Choctaw tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama on the 27th day of September 1830. The object of that treaty was to get the Choctaw Indians to promise or agree to go from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Nation article fourteen was put into the treaty; an article in a treaty is one of its subdivisions. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become a citizen of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article well enough to claim under it? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alzira Mitchell I don't know whether I could spell it.
- Q What relation was she to you? A She's my grandmother.
- Q Did she or any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article fourteen of the treaty of 1830? A Well, sir, I don't know.
- Q Who did this Alzira Mitchell marry? A Samuel Mitchell.
- Q He was a white man, was he? A Yes sir.
- Q How much Choctaw blood did she have? A I have been taught that she was a half breed; I don't know.
- Q What was her maiden name? A Palsom.
- Q Married Sam Mitchell? A Yes sir.
- Q Did she live in Mississippi in 1830? A I can't tell you.
- Q You never heard that she lived there then and was head of a family then? A I have heard it and I have been taught that ever since I can recollect, but I don't know.
- Q This is a matter of family history and tradition, is it? A Yes sir.
- Q Well, is it a matter of family history and tradition that your grandmother, Alzira Mitchell lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I suppose she did.
- Q Well, have you heard that in the family? A I have been taught all the way through that they lived in Mississippi.
- Q But you don't know about that particular time? A No sir.
- Q Or whether she had a family there at that time? A No sir.
- Q Do you know whether she claimed her Choctaw blood through her father or mother? A No sir.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A Well, if she had an Indian name I don't know; I have been taught that she spoke Choctaw; I have heard that in the family.
- Q Did she or any of your Choctaw ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that either.
- Q Did any of your Choctaw ancestors go from that old Choctaw Na-

tion East of the Mississippi River to the Choctaw Nation Indian Territory, with the other Indians between 1833 to 1838? A I don't know whether they did or not.

Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A That's another thing I don't know.

After the treaty of 1830 was ratified at least 6000 people, Choctaw Indians, remained in the old Choctaw Nation refusing to go to the Choctaw Nation, Indian Territory, under the treaty; article fourteen provided for those Choctaw Indians if they went to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty of 1830 and registered under that article as Indians who desired to stay in Mississippi, take land there and become citizens of the States. Col. Ward who was the agent at that time for some reason neglected to register the names of all those Choctaw Indians, and as a result a great many Indians who made an attempt to register under that article within six months from the ratification of that treaty had their land taken from them together with the improvements upon that land in the old Choctaw Nation. This caused so many complaints that in 1837 and 1842 by various acts of Congress Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which the Government had taken from them in the old Choctaw Nation? A Not as I know of.

Q This scrip was issued under an act approved August 23, 1842. What relation is W.C. Mitchell to you who has made application to be identified as a Mississippi Choctaw? A Nephew of mine.

Q What relation is Sarah C. Harris? A Sister.

Q Would you like to have their cases referred to and considered with yours? A Yes sir.

Q Would you like to have the cases of all those applicants who have been before the Commission claiming through the same common ancestor considered with yours? A Yes sir.

The cases of W.C. Mitchell, 5568 and Sarah C. Harris, 5681, are here particularly referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Have you any evidence you would like to introduce now in support of this claim? A I don't know.

Q Do you want time in which to introduce further testimony? A Yes sir
Thirty days time is allowed this applicant in which to introduce further evidence in support of this claim.

(Examination by attorney for applicant, DuBois, of Gresham & DuBois):

Q When you answered the question propounded to you by the Commission at Muskahoma in October, 1899, stating that you had applied for citizenship under the act of '96, were you not under the impression that the application of your brother, William C. Mitchell, would also carry with it your own right to citizenship? A Yes, I thought if he got it we would all of us be enrolled.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark skin and eyes brown and dark brown hair now somewhat gray; whiskers gray: he does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of May, 1902.

Charles H. Sawyer

Notary Public.

*MS
C. 11*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Robert H. Mitchell,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Robert H. Mitchell, et al.,	M.C.R. 5683
Sarah C. Griffith, et al.,	M.C.R. 5957
Albert M. Mitchell, et al.,	M.C.R. 5684
Jesse Mitchell, et al.,	M.C.R. 5682
Gus Mitchell,	M.C.R. 5740
Arkie Mitchell,	M.C.R. 5792
Sarah C. Harris, et al.,	M.C.R. 5681
Mary O. Pool, et al.,	M.C.R. 5687
Robert V. Linscott, et al.,	M.C.R. 5689
Nancy I. Fitzgerald, et al.,	M.C.R. 5688
John M. Mitchell, et al.,	M.C.R. 5690
William G. Mitchell, et al.,	M.C.R. 5588
Sam Mitchell, et al.,	M.C.R. 5691
Charles D. Mitchell, et al.,	M.C.R. 5686
Jennie Mitchell,	M.C.R. 5741
Elvira Parker,	M.C.R. 5685
William P. Mitchell,	M.C.R. 5790
Cora A. Mitchell,	M.C.R. 5791
Joab A. Mitchell, et al.,	M.C.R. 5692
Rebecca J. Harrison, et al.,	M.C.R. 6130
Jennie A. Harrison, et al.,	M.C.R. 6131
Sarah E. Brewer, et al.,	M.C.R. 5619
John H. Mitchell, et al.,	M.C.R. 5684
Elvira G. Lamb, et al.,	M.C.R. 5685

D E C I S I O N

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Robert H. Mitchell for himself, his minor child, Mahala E.

Mitchell and his minor grand-child, Henry H. Powers; by Sarah C. Griffith for herself and her nine minor children, Walter H., Riney J., and Johnnie K. Durant, Lillie May, Burilda and Joseph Willie Pate, Martha M., Rosa L. and Stella Griffith; by Albert W. Mitchell for himself and his five minor children, Arthur P., Martha B., Pearl A., Florence D. and Alma May Mitchell; by Jesse Mitchell for himself and his two minor children, Essie and Lessie Mitchell; by Gus Mitchell for himself; by Arkie Mitchell for himself; by Sarah C. Harris for herself and her four minor children, Isaac and Jessie Florence Linscott and Mack and Lillie May Harris; by Mary O. Pool for herself and her five minor children Arthur W., Ollie V., Addie E., Cynthia J. and Sarah F. Pool; by Robert F. Linscott for himself and his minor child, Alvie C. Linscott; by Nancy I. Fitzgerald for herself and her three minor children, Martin S., Joe P. and Frank Fitzgerald; by John H. Mitchell for himself and his six minor children, Ellen B., William B., Alma J., John H., Kingsley B. and Rubie E. Mitchell; by William C. Mitchell for himself and his five minor children, Beattie, Sam, Jennie, Gracie and Quitman Mitchell; by Sam Mitchell for himself and his minor child Melvin C. Mitchell; by Charles D. Mitchell for himself and his two minor brothers Richard Y. and Pleasant Emmet Mitchell; by Jennie Mitchell for herself; by Elvira Parker for herself; by William P. Mitchell for himself; by Cora A. Mitchell for herself; by Jacob A. Mitchell for himself and his five minor children, Dora, Aquilla, Nora, Ida and John Mitchell; by Rebecca J. Harrison for herself and her nine minor children, Minnie Smith, and William, Charles, Margie, Debby, Jackson, Franklin, Robt and John Harrison; by Jennie A. Harrison for herself and her five minor children, Rena, Edgar,

Allie, Finkney and James Frank Harrison; by Sarah R. Brower for herself and her five minor children, William C., Effie P., Nancy A., Samuel H. and Daisy E. Brower; by John H. Mitchell for himself and his minor child, Bessie Mitchell, and by Elvira G. Lamb for herself and her four minor children, Roy Lee, Beulah V., George R. and James G. Lamb under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The testimony herein is not clear as to the relationship existing between the applicants and is very unsatisfactory in regard to who are the Choctaw ancestors through whom they claim a right to identification as Mississippi Choctaws, though it in a manner tends to show that all of them are descendants of, and claim said rights through, Nathaniel Folsom and his wife Nancy (or Mary) Folsom, nee Henderson, who are alleged to have been possessed of some Choctaw blood, degree thereof not positively stated. Most of the applicants simply trace their Choctaw ancestry to the daughter of the above named persons and her name is variously given as Alaira, (or Alvira, or Alsora, or Elaira, or Mary or Mary A.) Mitchell (or Mitchel), nee Folsom (or Fulsom), and whose Indian name is given as Wachubbee. The principal applicant in N.C.R. 8619 states that his paternal grand-parents were named Joel Mitchell and Elvira Mitchell, nee Bibber, the latter of whom he alleges, was possessed of one-quarter Choctaw blood, the blood of

the former being unknown to him. From the evidence in other applications herein it appears that the said Joel Mitchell is the son of the Alvira Mitchell, nee Fulson, whose name is variously given above, and that he was married to a Choctaw woman named Alvira (or Elvira) Dibber (or Dibblell, or Dibrell). The applicants embraced in M.C.R. 5692, 6130, 6131, 5664 and 5655 are all descendants of the said Joel Mitchell and his wife, but they only claim to derive Choctaw blood from the former.

In order that every possible right as Mississippi Choctaws which these applicants may be possessed of shall be fully adjudicated, Nathaniel Fulson, Nancy (or Mary) Fulson, nee Henderson, Alvira (or Elvira) Dibber (or Dibblell, or Dibrell) will be considered as the Choctaw ancestors through whom these applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

From an examination of the records of the Commission it appears that Walter E., Riney J. and Johnnie K. Durant, minor applicants in M.C.R. 5957, are recognized and enrolled citizens by blood of the Choctaw Nation, their names appearing opposite numbers 14855, 14856 and 14857, respectively, as Walter E., Riney J. and John K. Durant, upon a list prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 20, 1903; their rights having heretofore been fully adjudicated, no further consideration will be given to the application herein made for

their identification as Mississippi Choctaws.

The records of the Commission further show that on June 6, 1899, Sarah C. Griffith (the principal applicant in M.O.R. 5957) made application for enrollment as a citizen by intermarriage of the Choctaw Nation, and as no decision has as yet been rendered therein, the determination of her rights as a Mississippi Choctaw shall in no way be prejudicial to whatever rights she may possess as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records of the Commission that during the year 1896 an application was made to said Commission for citizenship by blood in the Choctaw Nation, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321), and, among others therein applied for, were Alvira G. Lamb (principal applicant in M.O.R. 5855), John H. Mitchell and his minor child, Bessie L. Mitchell (applicants in M.O.R. 5854) and Sarah E. (Sarah Mitchell) Brower and her four minor children, William C., Effie B., Nancy A. and Samuel H. Brower (applicants in M.C.R. 5619). A decision was rendered by this Commission denying said application and an appeal was taken therefrom to the United States Court for the Central District, Indian Territory (Choctaw Citizenship Court case No. 378), which court sustained the decision as to the above named applicants. Under the provisions of Section 32 of the act of Congress approved July 1, 1902 (32 Stats., 641), an appeal was taken from the unfavorable judgment of said United States Court to the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory; the parties above mentioned being applicants in the case of William Mitchell, et al. (Choctaw and Chickasaw citizenship case No. 72). On March 28, 1904, said

court rendered its decision denying the application of the applicants therein for admission as citizens by blood of the Choctaw Nation.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants other than Walter M., Kinney J. and Johnnie L. Durant (minor applicants in M.C.N. 5957) has been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321)

The name Nathaniel Polson is found on pages 70 and 77, Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, in Moshulatubbee's District, in the territory occupied by the Choctaw Indians, in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the nineteenth article of said treaty. The name Nathaniel Polson, Jr., is found on page 125 of the above record in a list of claims allowed under the treaty in Mingo Moshulatubbee's District, but it does not appear from the evidence submitted by the several applicants herein that the Nathaniel Polson through whom they claim is identical with either of the persons whose names appear in the record above cited.

It does not appear from the testimony and evidence offered

in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nathaniel Folsom, through whom these applicants claim, or Nancy (or Mary) Folsom, nee Henderson, or Alvira (or Alvira) Bibber (or Bibbrell or Bibrrell), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert H. Mitchell, Mahala E. Mitchell, Henry E. Powers, Sarah C. Griffith, Millie May Fato, Surilda Fato, Joseph Willie Fato, Martha A. Griffith, Rosa E. Griffith, Stella Griffith, Albert M. Mitchell, Arthur F. Mitchell, Martha B. Mitchell, Pearl A. Mitchell, Florence D. Mitchell, Alma May Mitchell, Jesse Mitchell, Essie Mitchell, Lessie Mitchell, Gus Mitchell, Arkie Mitchell, Sarah C. Harris, Isaac Lincoett, Jessie Florence Lincoett, Mack Harris, Millie May Harris, Mary O. Pool, Arthur W. Pool, Ollie V. Pool, Addie E. Pool, Cynthia J. Pool, Sarah F. Pool, Robert F. Lincoett, Alvin O. Lincoett, Nancy I. Fitzgerald, Martin E. Fitzgerald, Joe P. Fitzgerald, Frank Fitzgerald, John H. Mitchell, Ellen B. Mitchell, William B. Mitchell, Alma J. Mitchell, John E. Mitchell, Kingsley B. Mitchell, Rubie E. Mitchell, William C. Mitchell, Essie

Mitchell, Sam Mitchell, Jennie Mitchell, Gracie Mitchell, Unitman Mitchell, Sam Mitchell (2), Melvin C. Mitchell, Charles D. Mitchell, Richard Y. Mitchell, Pleasant Emmet Mitchell, Jennie Mitchell, Elvira Parker, William P. Mitchell, Cora A. Mitchell, Joab A. Mitchell, Dora Mitchell, Aquilla Mitchell, Nora Mitchell, Ida Mitchell, John Mitchell, Rebecca J. Harrison, Minnie Smith, William Harrison, Charles Harrison, Margie Harrison, Debby Harrison, Jackson Harrison, Franklin Harrison, Robt Harrison, John Harrison, Jennie A. Harrison, Rena Harrison, Edgar Harrison, Allie Harrison, Pinkney Harrison, James Frank Harrison, Sarah E. Brower, William C. Brower, Effie P. Brower, Nancy A. Brower, Samuel H. Brower, Daisy A. Brower, John H. Mitchell (2), Bessie Mitchell (2) Elvira G. Lamb, Roy Lee Lamb, Beulah V. Lamb, George R. Lamb and James G. Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that the application made on behalf of Walter K. Durant, Riney J. Durant and Johnnie K. Durant, for their identification as Mississippi Choctaws, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tames Dixby

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

JUL 14 1904

(SIGNED)

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory, May 17, 1903.

Received of the Commission to the Five Civilized Tribes copies
of testimony in the following applications for identification as
Mississippi Choctaws:

Thomas B. Grady,
Mary Ann Weatherbee,
Polly Farmer,
Sidney J. Gaudiff,
Robert H. Mitchell,
John P. Spring,
Reuben H. Spring,

M.C.R. 81
M.C.R. 490
M.C.R. 4089
M.C.R. 5014
M.C.R. 5653
M.C.R. 5253
M.C.R. 5254

Manafiala, Mendenhall & Cornish,

COPY. M.C.R. 5683.

Muskogee, Indian Territory, July 14, 1904.

Robert H. Mitchell,

Reichert, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you, your daughter Mahala E. Mitchell, and your grand-son Henry H. Powers.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jane Bixby.

Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1904.

Gresham & DuBois,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., which embraces the following cases:

Robert H. Mitchell et al.,	MCR 5683
Sarah C. Griffith et al.,	MCR 5957
Albert M. Mitchell et al.,	MCR 5684
Jesse Mitchell et al.,	MCR 5682
Gus Mitchell,	MCR 5740
Arkie Mitchell,	MCR 5792
Sarah C. Harris et al.,	MCR 5681
Mary O. Pool et al.,	MCR 5687
Robert F. Linscott et al.,	MCR 5689
Nancy I. Fitzgerald et al.,	MCR 5688
John M. Mitchell et al.,	MCR 5690
William C. Mitchell et al.,	MCR 5588
Sam Mitchell et al.,	MCR 5691
Charles D. Mitchell et al.,	MCR 5686
Jennie Mitchell,	MCR 5741
Elvira Parker,	MCR 5685
William P. Mitchell,	MCR 5790
Cora A. Mitchell,	MCR 5791
Joab A. Mitchell et al.,	MCR 5692
Rebecca J. Harrison et al.,	MCR 6130
Jennie A. Harrison et al.,	MCR 6131
Sarah E. Brower et al.,	MCR 5619
John H. Mitchell et al.,	MCR 5854
Elvira G. Lamb et al.,	MCR 5855.

You are further notified that the applicants in this

G. & D-2-

case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jane Bixby.

Chairman.

Registered.

COPY.

M.C.R. 5683

Mustogee, Indian Territory, July 14, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 14, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Incl. MCR 5683.

Muskogee, Indian Territory, July 30, 1904.

The Honorable,

COPY.

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Robert H. Mitchell et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Robert H. Mitchell et al.,	MCR 5683
Sarah G. Griffith et al.,	MCR 5687
Albert M. Mitchell et al.,	MCR 5684
Jesse Mitchell et al.,	MCR 5682
Gus Mitchell,	MCR 5740
Arkie Mitchell,	MCR 5792
Sarah C. Harris et al.,	MCR 5681
Mary O. Peel et al.,	MCR 5687
Robert F. Linacott et al.,	MCR 5689
Nancy I. Fitzgerald et al.,	MCR 5682
John M. Mitchell et al.,	MCR 5690
William G. Mitchell et al.,	MCR 5682
Sam Mitchell et al.,	MCR 5691
Charles D. Mitchell et al.,	MCR 5682
Jennie Mitchell,	MCR 5741
Elvira Parker,	MCR 5685
William F. Mitchell,	MCR 5700
Cora A. Mitchell,	MCR 5791
Geob A. Mitchell et al.,	MCR 5692
Rebecca J. Harrison et al.,	MCR 5130
Jennie A. Harrison et al.,	MCR 5131
Sarah B. Brewer et al.,	MCR 5419
John M. Mitchell et al.,	MCR 5684
Elvira S. Smith et al.,	MCR 5685

The Commission has the honor to report that the principal

Secretary, -2-

applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

3 Incl. MCR 5693.

C O P Y

DEPARTMENT OF THE INTERIOR,

Land
52641-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

November 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated July 30, 1904, transmitting record relative to the application of Robert H. Mitchell, et al, for identification as Mississippi Choctaws.

Robert H. Mitchell applied for the identification of himself and his minor child, Mahala E. Mitchell, and his minor grandchild, Henry H. Powers.

Sarah Q. Griffith applied for the identification of herself and her nine minor children, Walter W., Rinay J., and Johnnie K. Durant, Lillie May, Surilda, and Joseph Willie Pate, Martha W., Rosa L., and Stella A. Griffith.

Albert M. Mitchell made application for himself and his five minor children, Arthur P., Martha B., Pearl A., Florence D., and Alma A. Mitchell.

Jesse Mitchell applied for himself and his two children, Essie and Lessie Mitchell.

Gus Mitchell applied for the identification of himself, as did also Arkie Mitchell.

Sarah G. Harris applied for the identification of herself and her four minor children, Isaac and Jessie Florence Linscott, and Mack and Lillie May Harris.

Mary O. Pool applied for herself and her five minor children, Arthur W., Ollie V., Addie E., Cynthia J., and Sarah F. Pool.

Robert F. Linscott applied for himself and his minor child, Alvis C. Linscott.

Nancy I. Fitzgerald applied for herself and her three minor children, Martin S., Joe P., and Frank Fitzgerald.

John Mitchell applied for the identification of himself and his six minor children, Ellen B., William B., Alma J., John H., Kingsley B., and Rubie E. Mitchell.

William C. Mitchell applied for himself and his five minor children, Bessie, Sam, Jennie, Gracie, and Quitman Mitchell.

Sam Mitchell applied for himself and his minor child, Melvin C. Mitchell.

Charles D. Mitchell applied for himself and his two minor brothers, Richard Y. and Pleasant Ernest Mitchell.

Jennie Mitchell, Elvira Parker, William P. Mitchell, and Cora A. Mitchell each applied for identification of himself or herself.

Josh A. Mitchell applied for himself and his five minor

children, Dora, Aquilla, Nora, Ida, and John Mitchell.

Rebecca J. Harrison applied for herself and her nine minor children, Minnie Smith, and William, Charles, Margie, Debby, Jackson, Franklin, Robs, and John Harrison.

Jennie A. Harrison applied for herself and her five minor children, Rena, Edgar, Allie, Pinkey, and James Frank Harrison.

Sarah E. Brower applied for herself and her five minor children, William C., Effie P., Nancy A., Samuel H., and Daisy E. Brower.

John H. Mitchell applied for the identification of himself and his minor child, Bessie Mitchell, and

Elvira G. Lamb applied for the identification of herself and her four minor children, Roy Lee, Beulah V., George R., and James G. Lamb.

Robert H. Mitchell testified that Nancy Mitchell and William C. Mitchell were his parents. He claims through Alsira Mitchell, his grandmother, who married Samuel Mitchell, a white man. Her maiden name was Polson. Sarah C. Griffith is a daughter of Robert H. Mitchell, and Albert M. Mitchell is a son of said Robert Mitchell. Jesse Mitchell is a son of William C. and Nancy Mitchell, and claims through his father. Gus Mitchell is a son of Jesse and Rebecca Mitchell, and claims through his father. Arki Mitchell is a brother of Gus Mitchell and claims through his father. Sarah C. Harris is the daughter of William

C. and Nancy Mitchell, whose maiden name was Durant.

Mary O. Pool is a daughter of Green C. Linscott and Sarah C. Harris, formerly Linscott. Robert F. Linscott and Nancy I. Fitzgerald are brother and sister of Mary O. Pool.

John M. Mitchell is a son of Samuel and Jane Mitchell, and claims through his father. William C. and Samuel Mitchell are brothers of John M. Mitchell. Charles D. and Jennie Mitchell and Elvira Parker are children of Richard and Hester (or Hetty) Mitchell and claim through their father. Their mother's maiden name was Jackson. William P. and Cora A. Mitchell are children of Richard and Tobitha Mitchell. Joab A. Mitchell and Rebecca J. and Jennie A. Harrison are children of Joel G. and Ebbie (or Debby) Mitchell (nee Hood.) William C. and John H. Mitchell and Elvira G. Lamb are children of William C. and Nancy Mitchell.

It is shown by the record that Nathaniel Folsom was the father of Alzira Folsom, who married Samuel Mitchell, a white man, and was the grandmother of principal applicant Robert H. Mitchell.

These applicants claim descent from Nathaniel Folsom, Nancy or Mary Folsom (nee Handerson - Wachubbee), Joel Mitchell, Elvira Mitchell (nee Dibber), and Alzira Mitchell (nee Folsom - or Fulsom).

July 14, 1904, the Commission to the Five Civilized Tribes held that the applicants were not entitled to identification as Mississippi Choctaws, and the records of this office show that Nathaniel Folsom received a patent to land, to-wit:

the SE/4 of section 11, township 21, range 2 west, under the Nineteenth Article of the Treaty of 1830.

Ofehem, otherwise known as Red Dog, and James Henderson, was awarded all of section 4, township 10, range 6 east, and all of section 34, township 11, range 6 east, under Article 19 of the Treaty of 1830.

Charles Dibrell, white, was the husband of Alzina Mitchell, daughter of Sam Mitchell. Alzina Mitchell was one-fourth Indian blood. Their children were Sophia and Mary Louise Dibrell, deceased. Charles Dibrell and the members of his family were Fourteenth Article claimants but were rejected.

The records of this Office do not show that Nathaniel Folsom, Nancy or Mary Folsom nee Henderson, Alzina Mitchell nee Folsom, (or Fulsom), Wachubbee, Joel Mitchell, Elvira Mitchell, and Dibber, obtained a patent to land under Article Fourteen of the Treaty of 1830, or applied to the Commissions appointed under the Acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513), for an adjudication of their rights, if any they had.

The applicants are not, therefore, entitled to identification as Mississippi Choctaws, and the approval of the Commission's decision adverse to them is recommended.

Walter H., Riney J., and Johnnie Durant have been enrolled as citizens by blood of the Choctaw Nation. Their names appear opposite numbers 14355 to 14357, inclusive, as Walter H., Riney J., and John B. Durant. They were enrolled by reason of

their father being of Choctaw blood.

The record in the case also shows that during 1896, in accordance with the provisions of the Act of June 10, 1896 (29 Stats., 521), Elvira G. Lamb, John H. Mitchell and his child, Bessie L. Mitchell; Sarah E. Brower nee Mitchell and her four children, William C., Effie B., Nancy C., and Samuel H. Brower, applied to the Commission to the Five Civilized Tribes for enrollment as citizens by blood of the Choctaw Nation. The Commission denied said applications, and they appealed to the United States court for the Central District of the Indian Territory, which sustained the decision of the Commission adverse to them.

Under the provisions of section 32 of the Act of July 1, 1902 (32 Stats., 641), an appeal was taken from the unfavorable judgment of the United States court to the Choctaw-Chickasaw Citizenship Court by the applicants in the William Mitchell, et al, case. March 28, 1904, the Citizenship Court held that said applicants were not entitled to enrollment as Choctaws by blood.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

GAW-OH.

(Copy)

J.P.
LLE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 15176-1906.

April 25, 1906.

D. C. 15036-1906.

36737

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 30, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for identification as Mississippi Choctaws of Robert H. Mitchell et al., Sarah C. Griffith et al., Albert M. Mitchell et al., Jesse Mitchell et al., Gus Mitchell, Arkie Mitchell, Sarah C. Harris et al., Mary O. Pool et al., Robert F. Linnett et al., Nancy J. Fitzgerald et al., John W. Mitchell et al., William C. Mitchell et al., Sam Mitchell et al., Charles D. Mitchell et al., Jennie Mitchell, Elvira Parker, William P. Mitchell, Cora A. Mitchell, Josh A. Mitchell et al., Rebecca J. Harrison et al., Jennie A. Harrison et al., Sarah E. Brower et al., John H. Mitchell et al., and Elvira G. Lamb et al.

Reporting November 13, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of the letter is inclosed.

-8-

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes, dated July 14, 1904, is hereby affirmed.

Respectfully,

(Signed) Thom. Ryan

First Assistant Secretary.

1. inclosure.

M.C.R.-5683.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Robert H. Mitchell,
Reichert, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilised Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor child and grandchild is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M C R 8683

COPY.

Muskogee, Indian Territory, May 2, 1906.

Gresham & DuBois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al.

A copy of Departmental letter of April 25, 1906, is herewith enclosed.

Respectfully,

SIGNED *Jane Bixby.*

Commissioner.

WAM 200

M C R 5683

COPY.

Muskogee, Indian Territory, May 2, 1906.

Mansfield, McMurray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al.

Copy of Departmental letter of April 25, 1906, is herewith enclosed.

Respectfully,

SIGNED *Tame Bixby*.

Commissioner.

McN 99

Mary Henderson (fb)

mar

Nathaniel Folsom

W. C. Mitchell

(or William ..)

mar

Nancy Dunlap

1

Robert H. Mitchell pp 1-2

Jesse " p 3

Sarah C. " p 3

Richard " p 5

Samuel " p 4

William C. " p 6

Joel S. Mitchell - p 7

Alyra Mitchell - p 8

mar

Dibrel

Sophia Mitchell

① mar

②

③

④

①

Mary Henderson (fl)
mar
Nathaniel Folsom

Alzira Folsom +
or
Alzora
Mary A. "
Alvira "
Elyra "
mar

Samuel or Sam Mitchell

W. C. or William Mitchell +
mar
Nancy D. or Nancy D. ^{w. dead}

Robert H. Mitchell +
mar
Martha T. Buckley ^{w.}

mar
5683
Mahala E. Mitchell 17

Nancy Mitchell
dead
mar

① Berry Powers ^{w. dead}
② — Burgess

mar
5957
Sarah C. Mitchell +
mar

① John H. Durant ^{w. dead}
② J. J. Pate ^{w. dead}
③ Noah Griffith ^{w.}

mar
5684
Albert M. Mitchell 27

mar
Martha C. ^{w. dead}
(or Martha -)

mar
5683
Henry H. Powers 17-52

May Alice Smith ^{on a name}
Mary Elizabeth Pennington
Andrew Powers
Rolan " 5
Clara " 4

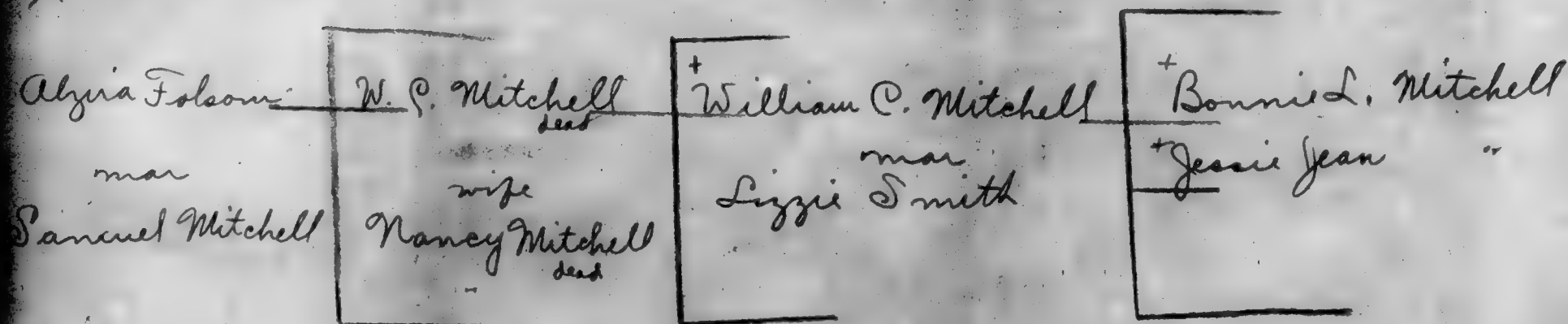
mar
5957
Walter H. Durant 19 }
Riney J. Durant 19 }
Johnnie H. Durant 19 }
Lillie May Pate 13
Surilda Pate 10
Joseph Willie Pate 8
Martha M. Griffith 6
Rosa L. Griffith 3
Stella A. Griffith 2

mar
Arthur P. Mitchell 6
" Martha B. " 5
" Pearl A. " 4
" Florence D. " 3
" Alma Mary " 2

* Choc. D. 213: makes application for enrollment as intermarried citizen
father was Wallace Durant (fl) who married Charlotte Wade (fl)
V Choc. D. 190: these 3 children on 1896 roll - Nos. 3266, 3265, 3267 in
Sugar Loaf Co.

(6)

sub
7



⁺
Court Case #104 (Cem. Dist.)
dated for enrollment Choc. card 2408.

7

mon
5692
Dora Mitchell 13
Aguilla " 9
" Nora " 7
" Ida " 4
" John " 2

mon
5692
Joab A. Mitchell 48-1/2
wife
Isabell Mitchell

mon
6130
Minnie Smith 19
William Harrison 13
Charles " 12
Maggie " 10
Debby " 9
Jackson " 7
Franklin " 6
Roba " 4
John " 1

mon
6130
Rebecca J. Mitchell 41-1/2
mar
O Taylor Smith
② W. A. J. Harrison

Joel S. Mitchell 1/2
dead
mar
Debbie Hood
(to Debby) (dead)

Alzira Folsom 1/2
Mary A. ")
mar
Sam Mitchell
w.

mon
6131
James A. Mitchell 12

Jack Mitchell $\frac{1}{4}$
 (younger) dead
 man
 Elvira D. Hibber =
 (or "L. ") dead =
 (or Elvira Hibber),
 (or Debby Hood?)

Conflict.
Pap (5619) claims the Elvira

+ Rejected in 1796 (Phoe R. 159)
Court Case # 104

+
W. C. Mitchell (733)
(or William ...)
wife
Nancy Mitchell

Angeline Watkins
Caroline Denning
Emiline Faye
Edward Mitchell
O. C. D. Mitchell

Joseph E. Mitchell
mar
Isaac Brower
w

near
5-28-14
John H. Mitchell 35-1/2
mar
Sallie Barnes

mar
 5855
 Elvira G. Mitchell 26-¹/₁₆
 mar
 William Lamb

Dacey E. Mitchell
mar
Beverly

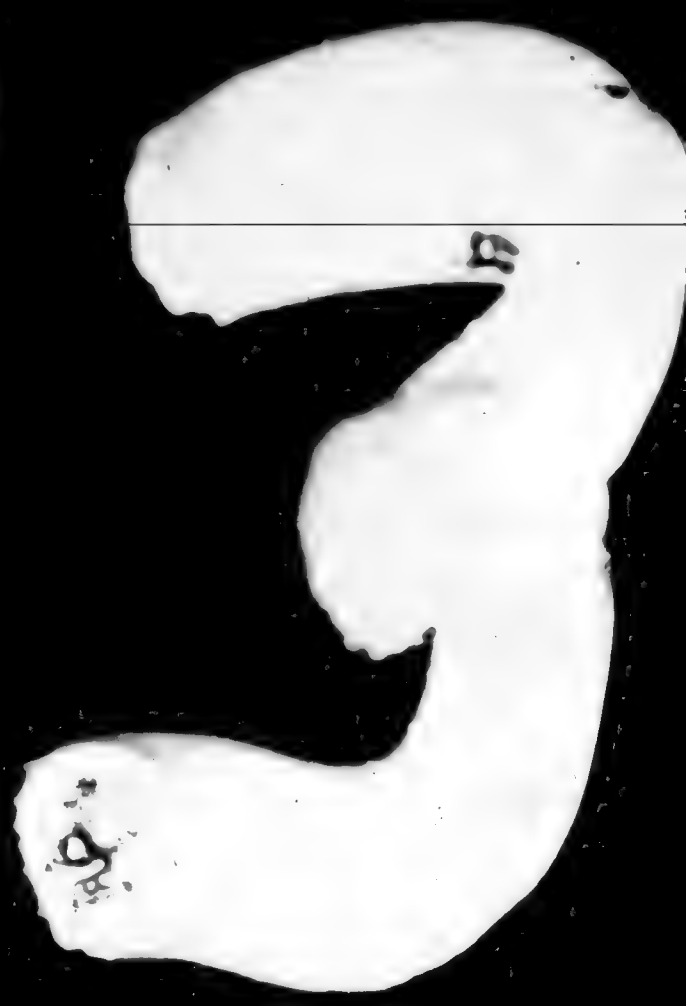
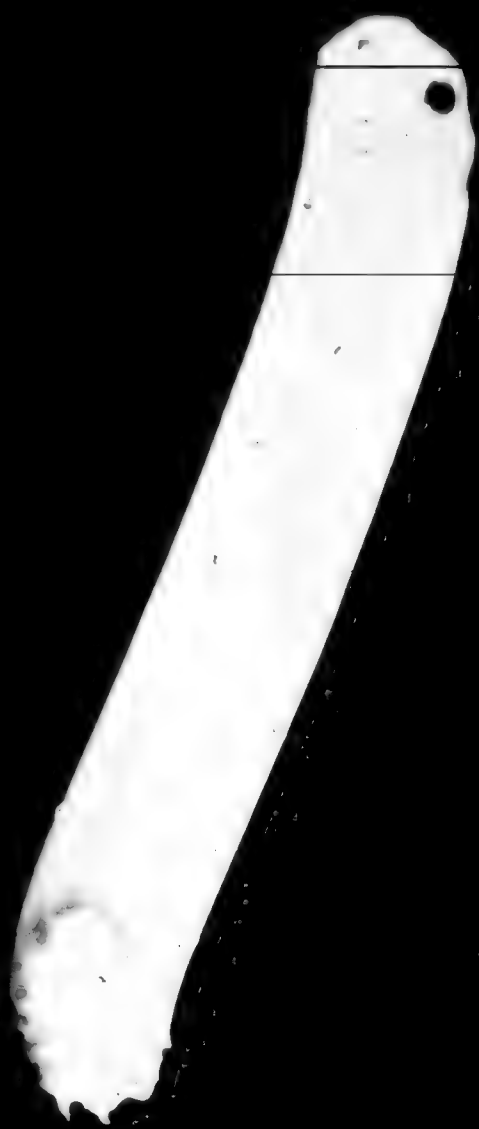
Charles R. Mitchell
Edward D.
W. J.

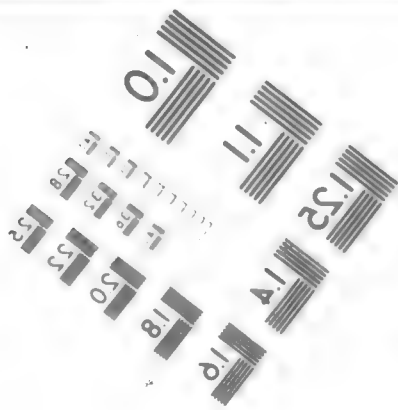
1854
Bessie Mitchell &

Roy Lee Lamb 6
 " Benlah V. " 4
 " George R. " 2
 " James G. " 8 m

Robert H. Mitchell

George
James
John
Johnnie Mitchell
George Mitchell

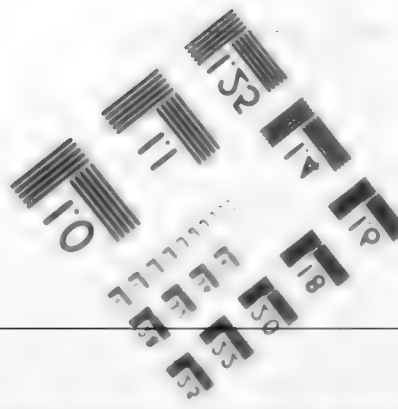
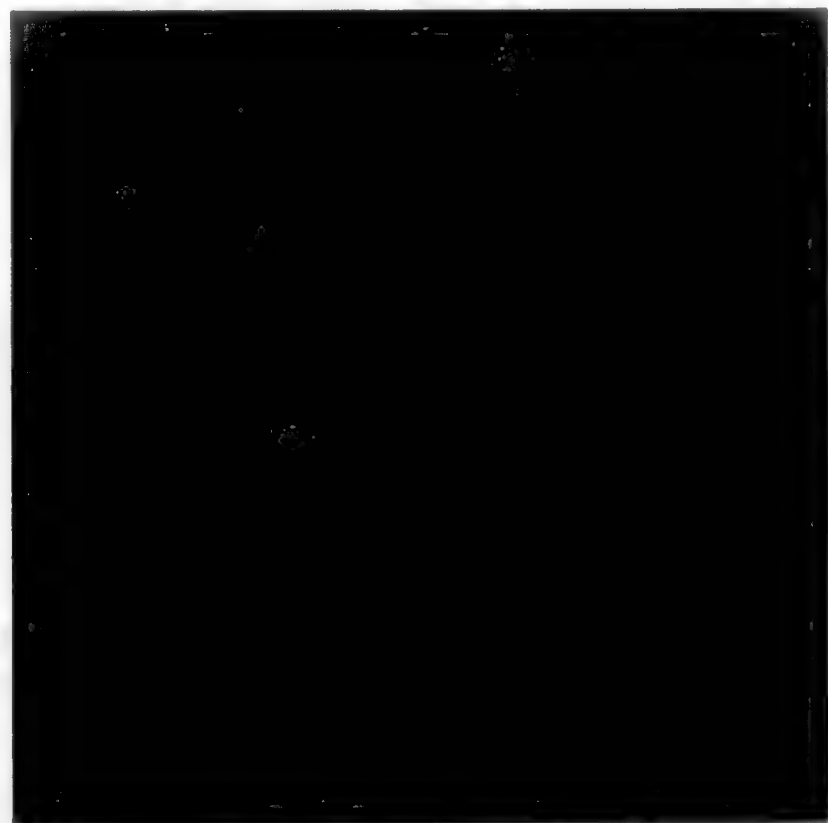
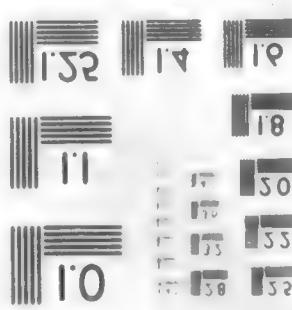
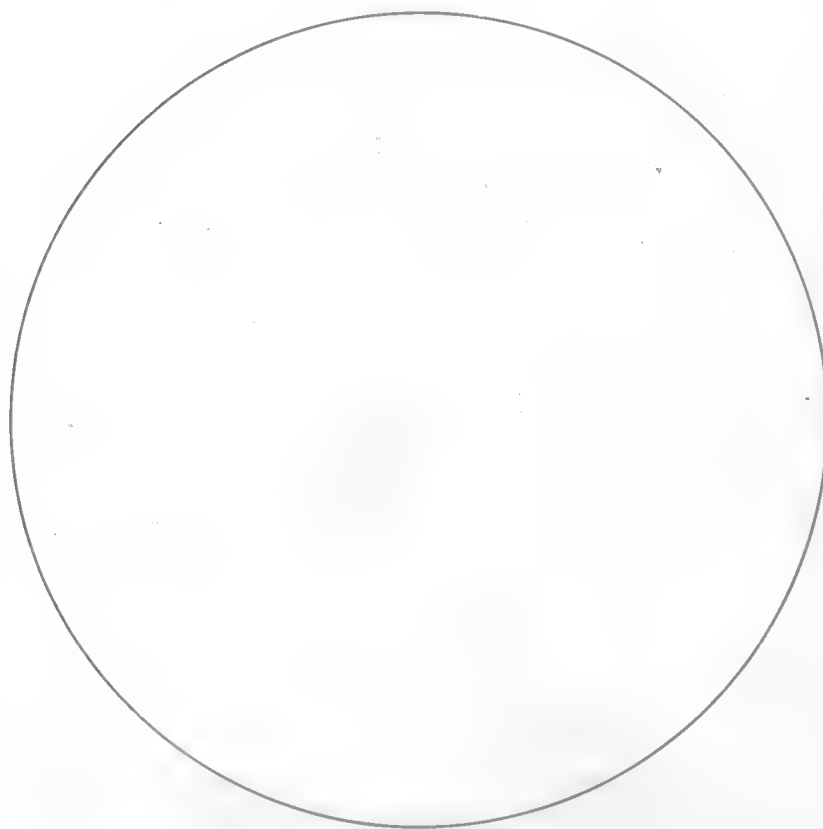
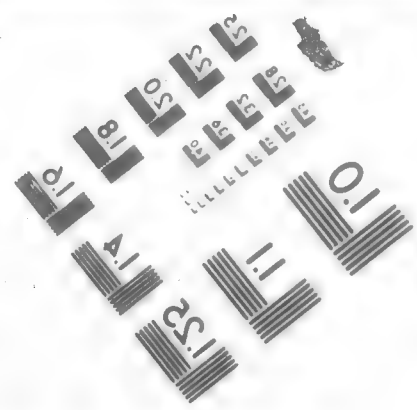




RESOLUTION TEST CHART
1963-A
NATIONAL BUREAU OF STANDARDS
1010-108-01

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NOTICE: MEASURE AT REDUCTION



RESOLUTION TEST CHART
1963-A
NATIONAL BUREAU OF STANDARDS
1010-108-01



WASHINGTON: 1982

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE
THE NATIONAL ARCHIVES

MISSISSIPPI CHOCTAW MCR 2885 - 2188

ROLL 148

1888 - 1914

COMMISSION TO THE FIVE CIVILIZED TRIBES

APPLICATIONS FOR ENROLLMENT OF THE

Microfilm Publication M1301

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Choctaw MCR 5682

Jesse Mitchell

See MCR 5683

MCR 5682

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 27, 1902.

5682

In the matter of the application of Jesse Mitchell for the identification of himself and his two minor children, Essie and Lessie Mitchell, as Mississippi Choctaws.

Gresham & DuBois, attorneys for applicant.

Jesse Mitchell being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jesse Mitchell.
Q Any middle initial? A No sir.
Q What is your age? A I am fifty seven years old.
Q What is your post office address? A Poteau;-- no, Wilburton, Indian Territory.
Q How long have you lived at Wilburton? A Four years.
Q Where did you live before that? A I lived at Hartsborn, and really my folks has been there, and my smaller children have been going to school, but I have been selling goods at Wilburton.
Q Where were you born? A In Carol County, Arkansas.
Q How long have you lived in that State? A About twenty three or twenty four years.
Q Then you went where? A Sebastian County, Arkansas; then I come to the Indian Territory.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A W.C. Mitchell.
Q What was your mother's name? A Nancy Mitchell.
Q Through which parent do you claim Choctaw blood? A My father?
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory?
A Not that I knew of.
Q Have you proof of the marriage of your father and mother with you now? A No sir.
Q Can you tell when and where they were married? A I don't know; years ago.
Q Are you married? A Yes sir.

Q What is your wife's name? A Rebecca Jackson. Mitchell now.
 Q Is she a white woman and living? A Yes sir.
 Q No Indian blood? A No sir.
 Q You don't make any claim for her then? A No sir.
 Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have two under twenty one.
 Q Give me the names and ages of these two. A Essie and Lessie; they are twins; they are sixteen years old.
 Q Is Rebecca Mitchell the mother of these children? A Yes sir.
 Q And your wife and children are living with you at your home?
 A Yes sir.
 Q You claim for yourself and children, do you? A Yes sir. That's all the children I have got living at home.
 Q When and where were you married to your wife, Rebecca? A I married in Carroll County, Arkansas-- it was Boon County after it was cut off; January 1867.
 Q By a minister and under a license? A No, by Justice of the Peace.
 Q Have you proof of that marriage with you now? A No sir; here's a couple of my brothers was there.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory or the names of your children? A No sir.
 Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application to the Dawes Commission for yourself and children under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application that you have ever made for yourself and children for enrollment as Choctaw Indians? A Yes sir; never did before now before any authority.
 Q You never have been enrolled as Choctaw Indians by any authority?
 A No sir.
 Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? If you don't I will explain it. A I don't know as I do.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was signed on the 27th day of September 1830 and ratified on the 24th day of February, 1831; the object of the treaty was to remove all the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the Indian Territory. A good many Indians refused to come under the treaty, to the Indian Territory, and in order to protect their interests article fourteen was put into the treaty: it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and

a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty?

A No sir.

Q You understand that now well enough to claim under it? A I think I understand it.

Q What is the name of your ancestor through whom you claim your Choctaw blood? A My father.

Q Go back to your remote ancestor as far as you can. A That's as far back as I can go.

Q Did you ever hear of Alsira Mitchell? A Yes, I have heard talk about it- that's all I know.

Q Do you know who her husband was? A Sam Mitchell, I believe.

Q How was she related to you? A I reckon she was my grandmother. That's the way I've got it.

Q Do you know how much Choctaw blood Alsira Mitchell had? A No sir.

Q Do you know whether she understood the Choctaw language at all? A I don't.

Q Do you know when she was born and where? A No sir.

Q Know when and where she died? A No sir.

Q Know whether she lived in Mississippi or Alabama? A I have understood she lived in Mississippi.

Q She lived there in the old Choctaw Nation? A Yes sir.

Q Do you know whether she lived there in 1830 and had children living with her then? A I don't know.

Q You don't know whether she was head of a family then in Mississippi in 1830? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A Well, you see that is before I was big enough to know anything about it.

Q Did you ever hear anything about it in the family? A I have heard it talked about but I don't know as I can state it properly; I never paid much attention.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know; my uncle went back to Mississippi before the War to settle up some kind of business there but what it was I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I can't tell you

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward and tell

him that they wanted to stay in Mississippi, take land there and become citizens of the States? Ever hear about that? A I can't tell you anything about that.

In 1837 by an act approved March 3, that year, and also in 1842 by an act approved August 23, that year, Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; the reason why these two Commissions were appointed was because of the many complaints made by the Choctaw Indians who stayed back there who claimed they had gone to Col. Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and had attempted to register their names with him under that article of that treaty but that he had refused to make register of their names and as a result of his refusal a great many Indians who had land in the old Choctaw Nation upon which they had improvements lost both there for they were taken from them by the Government and sold.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen- do you know? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under that article of that treaty if it also appeared that he had formerly held land in the old Choctaw Nation which the Government had taken from him and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip, do you know, as Choctaw Indians? A No sir.

Q What relation is Sarah C. Harris to you? A Sister.

Q W.C. Mitchell? A Nephew.

Q Would you like to have their applications considered with yours? A Yes sir.

The case of Sarah C. Harris, M.C.R. 5681, and W.C. Mitchell 5588, are here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Have you any evidence that you want to introduce now in support of this claim? A No sir.

Q Would you like a little time in which to introduce further testimony? A Yes sir.

On request of attorneys for applicant, thirty days time is allowed this applicant in which to introduce further evidence if he desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes and ruddy complexion, hair formerly brown and now somewhat gray, light brown mustache, now somewhat gray.

Q Do you understand Choctaw? A No sir.

He does not understand Choctaw and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 27, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 29 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Muskogee, Indian Territory, July 14, 1904.

Jesse Mitchell,

Wilburton, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your children Essie and Lessie Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Dinsy
Chairman.

Registered.

M.C.R.-5682.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Jesse Mitchell,

Wilburton, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 21 1902

Name *John Mitchell*

Age

57

Blood

Don't know

Post-Office,

Wilburton, I. T.

Father,

*W. C. Mitchell**d*

Mother:

*Nancy "**d*

Claims through

*father**wife,**Rebecca Mitchell w. d**No claim for wife*

Children:

*Emie,**(tome)**16**Lennie.**16**Claim for step & 2
children*

Stenographer

H. S. Harris

Choctaw MCR 5683

Robert H. Mitchell

MCR 5683

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 27, 1902.

5683

In the matter of the application of Robert H. Mitchell for the identification of himself and his minor child, Mahala E. Mitchell, and his grandchild, Henry H. Powers, as Mississippi Choctaws.

Gresham & DuBois, attorneys for applicant:

Robert H. Mitchell being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert H. Mitchell.
Q What is your age? A I was born in '37.
Q How old are you now? A I am sixty five on my birthday.
Q What is your post office address? A Richard. (Reichart?)
Q What State or Territory? A Choctaw Nation, Indian Territory.
Q How long have you lived at Richard, Indian Territory? A I have been in that County for twenty nine years.
Q Where did you live before that? A Down close to Kullyehaha, Indian Territory.
Q How long have you lived in the Indian Territory altogether?
A About twenty seven years.
Q Where were you born? A In Carroll County, Arkansas.
Q From there did you go to the Indian Territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A W.C. Mitchell.
Q What was your mother's name? A Nancy Mitchell.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A I claim about a quarteroon.
Q One quarter? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not as I know of.
(By attorney--"You don't mean a quarter.")
Q How much do you claim? A I have been taught that my grandmother was a half breed.

- Q Your mother would be a quarter and how much would you be? A One eighth is what I claim.
- Q Have you proof of the marriage of your father and mother with you? A No sir, I haven't.
- Q Do you know when and where they were married? A I have been taught right on the line in Tennessee across the river from Mississippi.
- Q Remember the date? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Martha T. Mitchell.
- Q Is she living? A Yes sir.
- Q White woman or Choctaw Indian? A White woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any children under twenty one years of age or unmarried? A I have one.
- Q Do you want to make application for that child? A Yes sir.
- Q What is the name? A Mahala E. Mitchell.
- Q How old is she? A She will be seventeen her birthday.
- Q What's all is it? A I have some grand children which I have been guardian for since their father and mother died; there's one under age and the other two isn't. I would like to put in application for that one under age.
- Q They live with you? A Yes; I raised them; their father's been dead about fourteen years and their mother about three years; I have had charge of them since their father died.
- Q What is the name of this minor child? A Henry H. Powers.
- Q How old is this grandchild? A He will be seventeen his birthday.
- Q What is his father's name? A Berry Powers.
- Q What is his mother's name? A Nancy Mitchell or Powers.
- Q Berry Powers and Nancy are dead? A Yes sir.
- Q You have had charge of these child? A Ever since the father died for four teen years.
- Q Is Nancy Powers your daughter? A My daughter.
- Q And you claim Choctaw blood for this grand-son, Henry H. Powers through your daughter Nancy? A Yes sir.
- Q How much Choctaw blood do you claim for this grandchild? A Well, I can't say.
- Q Well, you claim one eighth for yourself, don't you? A Yes sir.
- Q This boy's mother would be a half of that which is $1/16$; and her son would be a half of her Choctaw blood which is $1/32$; do you know whether that is right or not? A I can't tell.
- Q You can't figure out these things can you? A No sir; the father was a white man.
- Q Has your daughter, Nancy, the mother of Henry H. Powers, was she ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q You claim for your own daughter, Mahala, and your grandson, Henry H. Powers? A Yes sir.
- Q When and where were you married to your wife, Martha? A Boon County, Arkansas on the 25th day of December 1857.

- Q Have you proof of that marriage with you? A Not with me.
- Q Do you know when and where the father and mother of Henry H. Powers were married? A No sir, I don't.
- Q Do you know if they were married under a license? A No sir, all I can tell is that they was living there in the community I lived in and raised a big family and the last account I heard of them they was thought as man and wife. No, let's see they was married in the Choctaw Nation.
- Q You haven't proof of their marriage here? A No sir.
- Q Is your name or the name of Henry H. Powers or your daughter on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for yourself, your daughter or this grandchild for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir; I appeared before the Dawes Commission myself but made no application for them.
- Q You didn't appear in 1896? A No sir.
- Q Did you ever appear for yourself and these children for citizenship in the Choctaw Nation before the Choctaw tribal authorities in the Indian Territory? A No sir.

The records of the Commission show that on October 10, 1899, at Tushkahoma, Indian Territory, the applicant, Robert H. Mitchell, appeared before the Commission for enrollment as a Choctaw and that on May 19, 1902, a decision was rendered adverse to the application of the said Robert H. Mitchell; and on the same date the record was forwarded to the Secretary of the Interior for final review.

- Q In that application at Tushkahoma, October 10, 1899, you gave as your age, then as fifty three is that right? A Sixty three.
- Q You think that's a mistake? A Yes, it was a misunderstanding of McKennon I am satisfied.
- Q Do you now come before the Commission to make application for the identification of yourself, your daughter and your grandson, Henry H. Powers, as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't understand.
- Q Well, say you don't understand and I will explain it to you. Do you understand what a treaty is? A Its an agreement---
- Q In writing between Nations. Such a compact or agreement or contract was made between the United States Government and the Choctaw tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama on the 27th day of September 1830. The object of that treaty was to get the Choctaw Indians to promise or agree to go from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Nation article fourteen was put into the treaty; an article in a treaty is one of its subdivisions. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become a citizen of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article well enough to claim under it? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alzira Mitchell
- Q I don't know whether I could spell it.
- Q What relation was she to you? A She's my grandmother.
- Q Did she or any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article fourteen of the treaty of 1830? A Well, sir, I don't know.
- Q Who did this Alzira Mitchell marry? A Samuel Mitchell.
- Q He was a white man, was he? A Yes sir.
- Q How much Choctaw blood did she have? A I have been taught that she was a half breed; I don't know.
- Q What was her maiden name? A Folsom.
- Q Married Sam Mitchell? A Yes sir.
- Q Did she live in Mississippi in 1830? A I can't tell you.
- Q You never heard that she lived there then and was head of a family then? A I have heard it and I have been taught that ever since I can recollect, but I don't know.
- Q This is a matter of family history and tradition, is it? A Yes sir.
- Q Well, is it a matter of family history and tradition that your grandmother, Alzira Mitchell lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I suppose she did.
- Q Well, have you heard that in the family? A I have been taught all the way through that they lived in Mississippi.
- Q But you don't know about that particular time? A No sir.
- Q Or whether she had a family there at that time? A No sir.
- Q Do you know whether she claimed her Choctaw blood through her father or mother? A No sir.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A Well, if she had an Indian name I don't know; I have been taught that she spoke Choctaw; I have heard that in the family.
- Q Did she or any of your Choctaw ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that either.
- Q Did any of your Choctaw ancestors go from that old Choctaw Na-

tion East of the Mississippi River to the Choctaw Nation Indian Territory, with the other Indians between 1833 to 1838? A I don't know whether they did or not.

Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A That's another thing I don't know.

After the treaty of 1830 was ratified at least 6000 people, Choctaw Indians, remained in the old Choctaw Nation refusing to go to the Choctaw Nation, Indian Territory, under the treaty; article fourteen provided for those Choctaw Indians if they went to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty of 1830 and registered under that article as Indians who desired to stay in Mississippi, take land there and become citizens of the States. Col. Ward who was the agent at that time for some reason neglected to register the names of all those Choctaw Indians, and as a result a great many Indians who made an attempt to register under that article within six months from the ratification of that treaty had their land taken from them together with the improvements upon that land in the old Choctaw Nation. This caused so many complaints that in 1837 and 1842 by various acts of Congress Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which the Government had taken from them in the old Choctaw Nation? A Not as I know of.

Q This scrip was issued under an act approved August 23, 1842. What relation is W.C. Mitchell to you who has made application to be identified as a Mississippi Choctaw? A Nephew of mine.

Q What relation is Sarah C. Harris? A Sister.

Q Would you like to have their cases referred to and considered with yours? A Yes sir.

Q Would you like to have the cases of all those applicants who have been before the Commission claiming through the same common ancestor considered with yours? A Yes sir.

The cases of W.C. Mitchell, 5568 and Sarah C. Harris, 5681, are here particularly referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Have you any evidence you would like to introduce now in support of this claim? A I don't know.

Q Do you want time in which to introduce further testimony? A Yes sir
Thirty days time is allowed this applicant in which to introduce further evidence in support of this claim.

(Examination by attorney for applicant, DuBois, of Gresham & DuBois):

Q When you answered the question propounded to you by the Commission at Muskahoma in October, 1899, stating that you had applied for citizenship under the act of '96, were you not under the impression that the application of your brother, William C. Mitchell, would also carry with it your own right to citizenship? A Yes, I thought if he got it we would all of us be enrolled.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark skin and eyes brown and dark brown hair now somewhat gray; whiskers gray: he does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of May, 1902.

Charles H. Sawyer

Notary Public.

26
C. C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Robert H. Mitchell,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Robert H. Mitchell, et al.,	M.C.R. 5683
Sarah C. Griffith, et al.,	M.C.R. 5957
Albert M. Mitchell, et al.,	M.C.R. 5684
Jesse Mitchell, et al.,	M.C.R. 5682
Gus Mitchell,	M.C.R. 5740
Arkie Mitchell,	M.C.R. 5792
Sarah C. Harris, et al.,	M.C.R. 5681
Mary O. Pool, et al.,	M.C.R. 5687
Robert F. Linscott, et al.,	M.C.R. 5689
Nancy I. Fitzgerald, et al.,	M.C.R. 5686
John M. Mitchell, et al.,	M.C.R. 5690
William G. Mitchell, et al.,	M.C.R. 5688
Sam Mitchell, et al.,	M.C.R. 5691
Charles D. Mitchell, et al.,	M.C.R. 5686
Jennie Mitchell,	M.C.R. 5741
Elvira Parker,	M.C.R. 5685
William P. Mitchell,	M.C.R. 5790
Cora A. Mitchell,	M.C.R. 5791
Joab A. Mitchell, et al.,	M.C.R. 5692
Rebecca J. Harrison, et al.,	M.C.R. 6130
Jennie A. Harrison, et al.,	M.C.R. 6131
Sarah B. Brower, et al.,	M.C.R. 5619
John H. Mitchell, et al.,	M.C.R. 5684
Elvira G. Lamb, et al.,	M.C.R. 5685.

DECISION

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Robert H. Mitchell for himself, his minor child, Mahala E.

Mitchell and his minor grand-child, Henry H. Powers; by Sarah C. Griffith for herself and her nine minor children, Walter N., Riney J., and Johnnie K. Durant, Lillie May, Gurilda and Joseph Willie Pate, Hartha K., Rosa L. and Stella Griffith; by Albert M. Mitchell for himself and his five minor children, Arthur P., Martha B., Pearl A., Florence D. and Alma May Mitchell; by Jesse Mitchell for himself and his two minor children, Essie and Lessie Mitchell; by Gus Mitchell for himself; by Arkie Mitchell for himself; by Sarah C. Harris for herself and her four minor children, Isaac and Jessie Florence Linscott and Mack and Lillie May Harris; by Mary O. Pool for herself and her five minor children Arthur W., Ollie V., Addie E., Cynthia J. and Sarah P. Pool; by Robert F. Linscott for himself and his minor child, Alvie C. Linscott; by Nancy I. Fitzgerald for herself and her three minor children, Martin S., Joe P. and Frank Fitzgerald; by John M. Mitchell for himself and his six minor children, Ellen B., William B., Alma J., John H., Kingsley B. and Rubie B. Mitchell; by William C. Mitchell for himself and his five minor children, Bessie, Sam, Jennie, Gracie and Quitman Mitchell; by Sam Mitchell for himself and his minor child Melvin C. Mitchell; by Charles D. Mitchell for himself and his two minor brothers Richard Y. and Pleasant Emmet Mitchell; by Jennie Mitchell for herself; by Elvira Parker for herself; by William P. Mitchell for himself; by Cora A. Mitchell for herself; by Jacob A. Mitchell for himself and his five minor children, Dora, Aquilla, Vera, Ida and John Mitchell; by Rebecca J. Harrison for herself and her nine minor children, Minnie Smith, and William, Charles, Margie, Debby, Jackson, Franklin, Robb and John Harrison; by Jennie A. Harrison for herself and her five minor children, Rena, Edgar,

Allie, Pinkney and James Frank Harrison; by Sarah R. Brower for herself and her five minor children, William C., Effie P., Nancy A., Samuel H. and Daisy E. Brower; by John W. Mitchell for himself and his minor child, Bessie Mitchell, and by Alvira G. Lamb for herself and her four minor children, Roy Lee, Beulah V., George R. and James G. Lamb under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The testimony herein is not clear as to the relationship existing between the applicants and is very unsatisfactory in regard to who are the Choctaw ancestors through whom they claim a right to identification as Mississippi Choctaws, though it in a manner tends to show that all of them are descendants of, and claim said rights through, Nathaniel Folsom and his wife Nancy (or Mary) Folsom, nee Henderson, who are alleged to have been possessed of some Choctaw blood, degree thereof not positively stated. Most of the applicants simply trace their Choctaw ancestry to the daughter of the above named persons and her name is variously given as Alaira, (or Alvira, or Alsora, or Alaira, or Mary or Mary A.) Mitchell (or Mitchel), nee Folsom (or Fulsom), and whose Indian name is given as Wachubbee. The principal applicant in W.C.R. 8619 states that his paternal grand-parents were named Joel Mitchell and Alvira Mitchell, nee Dibber, the latter of whom he alleges, was possessed of one-quarter Choctaw blood, the blood of

the former being unknown to him. From the evidence in other applications herein it appears that the said Joel Mitchell is the son of the Alvira Mitchell, nee Folsom, whose name is variously given above, and that he was married to a Choctaw woman named Alvira (or Elvira) Dibber (or Dibblell, or Dibrell). The applicants embraced in M.C.R. 5692, 6130, 6131, 5654 and 5655 are all descendants of the said Joel Mitchell and his wife, but they only claim to derive Choctaw blood from the former.

In order that every possible right as Mississippi Choctaws which these applicants may be possessed of shall be fully adjudicated, Nathaniel Folsom, Nancy (or Mary) Folsom, nee Henderson, Alvira (or Elvira) Dibber (or Dibblell, or Dibrell) will be considered as the Choctaw ancestors through whom these applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

From an examination of the records of the Commission it appears that Walter E., Riney J. and Johnnie M. Durant, minor applicants in M.C.R. 5957, are recognized and enrolled citizens by blood of the Choctaw Nation, their names appearing opposite numbers 14855, 14856 and 14857, respectively, as Walter E., Riney J. and John M. Durant, upon a list prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 13, 1903; their rights having heretofore been fully adjudicated, no further consideration will be given to the application herein made for

their identification as Mississippi Choctaws.

The records of the Commission further show that on June 6, 1899, Sarah C. Griffith (the principal applicant in M.C.R. 5957) made application for enrollment as a citizen by intermarriage of the Choctaw Nation, and as no decision has as yet been rendered therein, the determination of her rights as a Mississippi Choctaw shall in no way be prejudicial to whatever rights she may possess as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records of the Commission that during the year 1896 an application was made to said Commission for citizenship by blood in the Choctaw Nation, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321), and, among others therein applied for, were Alvira G. Lamb (principal applicant in M.C.R. 5855), John H. Mitchell and his minor child, Bessie L. Mitchell (applicants in M.C.R. 5854) and Sarah E. (Sarah Mitchell) Brower and her four minor children, William C., Effie B., Nancy A. and Samuel H. Brower (applicants in M.C.R. 5619). A decision was rendered by this Commission denying said application and an appeal was taken therefrom to the United States Court for the Central District, Indian Territory (Choctaw Citizenship Court case No. 378), which court sustained the decision as to the above named applicants. Under the provisions of Section 32 of the act of Congress approved July 1, 1902 (32 Stats., 641), an appeal was taken from the unfavorable judgment of said United States Court to the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory; the parties above mentioned being applicants in the case of William Mitchell, et al. (Choctaw and Chickasaw citizenship case No. 72). On March 28, 1904, said

court rendered its decision denying the application of the applicants therein for admission as citizens by blood of the Choctaw Nation.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants other than Walter H., Kinney J. and Johnnie E. Lurant (minor applicants in H.S.R. 5957) has been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321)

The name Nathaniel Polson is found on pages 70 and 77, Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, in Moshulatubbee's District, in the territory occupied by the Choctaw Indians, in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of the nineteenth article of said treaty. The name Nathaniel Polson, Jr., is found on page 125 of the above record in a list of claims allowed under the treaty in Mingo Moshulatubbee's District, but it does not appear from the evidence submitted by the several applicants herein that the Nathaniel Polson through whom they claim is identical with either of the persons whose names appear in the record above cited.

It does not appear from the testimony and evidence offered

in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nathaniel Tolson, through whom these applicants claim, or Nancy (or Mary) Tolson, nee Henderson, or Alvira (or Alvira) Libber (or Libbrell or Librell, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert H. Mitchell, Mahala E. Mitchell, Henry H. Powers, Sarah C. Griffith, Millie May Fato, Aurilda Fato, Joseph Willie Fato, Martha A. Griffith, Rosa E. Griffith, Stella Griffith, Albert L. Mitchell, Arthur F. Mitchell, Martha B. Mitchell, Pearl A. Mitchell, Florence D. Mitchell, Alma May Mitchell, Jesse Mitchell, Essie Mitchell, Lessie Mitchell, Gus Mitchell, Arkie Mitchell, Sarah C. Harris, Isaac Linscott, Jessie Florence Linscott, Mack Harris, Millie May Harris, Mary O. Pool, Arthur W. Pool, Ollie V. Pool, Addie E. Pool, Cynthia J. Pool, Sarah F. Pool, Robert F. Linscott, Alvis O. Linscott, Nancy I. Fitzgerald, Martin E. Fitzgerald, Joe P. Fitzgerald, Frank Fitzgerald, John H. Mitchell, Ellen B. Mitchell, William H. Mitchell, Alma J. Mitchell, John H. Mitchell, Kingsley B. Mitchell, Rubie E. Mitchell, William C. Mitchell, Bessie

Mitchell, Sam Mitchell, Jennie Mitchell, Gracie Mitchell, Quitman Mitchell, Sam Mitchell (2), Melvin C. Mitchell, Charles D. Mitchell, Richard Y. Mitchell, Pleasant Emmet Mitchell, Jennie Mitchell, Elvira Parker, William P. Mitchell, Cora A. Mitchell, Joab A. Mitchell, Dora Mitchell, Aquilla Mitchell, Nora Mitchell, Ida Mitchell, John Mitchell, Rebecca J. Harrison, Minnie Smith, William Harrison, Charles Harrison, Margie Harrison, Debby Harrison, Jackson Harrison, Franklin Harrison, Robs Harrison, John Harrison, Jennie A. Harrison, Rena Harrison, Edgar Harrison, Allie Harrison, Finkney Harrison, James Frank Harrison, Sarah A. Brower, William C. Brower, Effie P. Brower, Nancy A. Brower, Samuel H. Brower, Daisy A. Brower, John H. Mitchell (2), Bessie Mitchell (2) Elvira G. Lamb, Roy Lee Lamb, Beulah V. Lamb, George R. Lamb and James G. Lamb as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that the application made on behalf of Walter K. Durant, Riney J. Durant and Johnnie K. Durant, for their identification as Mississippi Choctaws, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

JUL 14 1904

Muskogee, Indian Territory

JUL 14 1904

Waskagee, Indian Territory, May 12, 1903.

Received of the Commission to the Five Civilized Tribes copies
of testimony in the following applications for identification as
Mississippi Choctaws:

Thomas B. Grady,
Mary Ann Weatherbee,
Polly Farmer,
Sidney J. Cundiff,
~~Robert H. Mitchell,~~
Robert H. Mitchell,
John F. Spring,
Reuben H. Spring,

M.C.R. 81
M.C.R. 490
M.C.R. 4059
M.C.R. 5014
~~M.C.R. 5014~~
M.C.R. 5683 ✓
M.C.R. 5253
M.C.R. 5254

Mansfield, Monroay & Cornish,

COPY. M.C.R. 5683.

Muskogee, Indian Territory, July 14, 1904.

Robert H. Mitchell,
Reichert, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you, your daughter Mahala E. Mitchell, and your grand-son Henry H. Powers.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Tams Dixby.

Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1904.

Gresham & DuBois,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H.

Mitchell et al., which embraces the following cases:

Robert H. Mitchell et al.,	MCR 5683
Sarah C. Griffith et al.,	MCR 5957
Albert H. Mitchell et al.,	MCR 5684
Jesse Mitchell et al.,	MCR 5682
Gus Mitchell,	MCR 5740
Arkie Mitchell,	MCR 5792
Sarah C. Harris et al.,	MCR 5681
Mary O. Pool et al.,	MCR 5687
Robert F. Linscott et al.,	MCR 5689
Nancy I. Fitzgerald et al.,	MCR 5688
John M. Mitchell et al.,	MCR 5690
William C. Mitchell et al.,	MCR 5588
Sam Mitchell et al.,	MCR 5691
Charles D. Mitchell et al.,	MCR 5686
Jennie Mitchell,	MCR 5741
Elvira Parker,	MCR 5685
William P. Mitchell,	MCR 5790
Cora A. Mitchell,	MCR 5791
Joab A. Mitchell et al.,	MCR 5692
Rebecca J. Harrison et al.,	MCR 6130
Jennie A. Harrison et al.,	MCR 6131
Sarah E. Brower et al.,	MCR 5619
John H. Mitchell et al.,	MCR 5854
Elvira G. Lamb et al.,	MCR 5855.

You are further notified that the applicants in this

G. & Dv2-

case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

COPY.

H.C.R. 5683

Muskogee, Indian Territory, July 14, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 14, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. MCR 5683.

Muskogee, Indian Territory, July 30, 1904.

The Honorable,

COPY.

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Robert H. Mitchell et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Robert H. Mitchell et al.,	MCR 5683✓
Sarah C. Griffith et al.,	MCR 5684✓
Albert M. Mitchell et al.,	MCR 5685✓
Jesse Mitchell et al.,	MCR 5686✓
Gus Mitchell,	MCR 5740✓
Arkie Mitchell,	MCR 5792✓
Sarah C. Harris et al.,	MCR 5681✓
Mary O. Pool et al.,	MCR 5687✓
Robert W. Linscott et al.,	MCR 5689✓
Nancy I. Fitzgerald et al.,	MCR 5688✓
John M. Mitchell et al.,	MCR 5690✓
William C. Mitchell et al.,	MCR 5688✓
Sam Mitchell et al.,	MCR 5691✓
Charles D. Mitchell et al.,	MCR 5686✓
Jennie Mitchell,	MCR 5741✓
Elvira Parker,	MCR 5685✓
William P. Mitchell,	MCR 5790✓
Cora A. Mitchell,	MCR 5791✓
Joab A. Mitchell et al.,	MCR 5692✓
Rebecca J. Harrison et al.,	MCR 6130✓
Jennie A. Harrison et al.,	MCR 6131✓
Sarah E. Brewer et al.,	MCR 5619✓
John H. Mitchell et al.,	MCR 5854✓
Elvira O. Lamb et al.,	MCR 5855✓

The Commission has the honor to report that the principal

Secretary, -2-

applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 Incl. MCR 5683.

C O P Y

DEPARTMENT OF THE INTERIOR,

Land
52641-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

November 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated July 30, 1904, transmitting record relative to the application of Robert H. Mitchell, et al, for identification as Mississippi Choctaws.

Robert H. Mitchell applied for the identification of himself and his minor child, Wahala E. Mitchell, and his minor grandchild, Henry E. Powers.

Sarah C. Griffith applied for the identification of herself and her nine minor children, Walter W., Riney J., and Johnnie K. Durant, Lillie May, Surilda, and Joseph Willie Pate, Martha W., Rosa L., and Stella A. Griffith.

Albert M. Mitchell made application for himself and his five minor children, Arthur P., Martha B., Pearl A., Florence D., and Alma A. Mitchell.

Jesse Mitchell applied for himself and his two children, Essie and Lessie Mitchell.

Gus Mitchell applied for the identification of himself, as did also Arkie Mitchell.

Sarah C. Harris applied for the identification of herself and her four minor children, Isaac and Jessie Florence Linscott, and Mack and Lillie May Harris.

Mary O. Pool applied for herself and her five minor children, Arthur W., Ollie V., Addie E., Cynthia J., and Sarah F. Pool.

Robert F. Linscott applied for himself and his minor child, Alvis C. Linscott.

Nancy I. Fitzgerald applied for herself and her three minor children, Martin S., Joe P., and Frank Fitzgerald.

John Mitchell applied for the identification of himself and his six minor children, Ellen B., William B., Alma J., John H., Kingsley B., and Rubie F. Mitchell.

William C. Mitchell applied for himself and his five minor children, Bessie, Sam, Jennie, Gracie, and Quitman Mitchell.

Sam Mitchell applied for himself and his minor child, Melvin C. Mitchell.

Charles D. Mitchell applied for himself and his two minor brothers, Richard Y. and Pleasant Emmet Mitchell.

Jennie Mitchell, Elvira Parker, William P. Mitchell, and Cora A. Mitchell each applied for identification of himself or herself.

Joab A. Mitchell applied for himself and his five minor

children, Dora, Aquilla, Nora, Ida, and John Mitchell.

Rebecca J. Harrison applied for herself and her nine minor children, Minnie Smith, and William, Charles, Margie, Debby, Jackson, Franklin, Robs, and John Harrison.

Jennie A. Harrison applied for herself and her five minor children, Rena, Edgar, Allie, Pinkey, and James Frank Harrison.

Sarah E. Brower applied for herself and her five minor children, William C., Effie P., Nancy A., Samuel H., and Daisy E. Brower.

John H. Mitchell applied for the identification of himself and his minor child, Bessie Mitchell, and

Elvira G. Lamb applied for the identification of herself and her four minor children, Roy Lee, Beulah V., George R., and James G. Lamb.

Robert H. Mitchell testified that Nancy Mitchell and William C. Mitchell were his parents. He claims through Alsira Mitchell, his grandmother, who married Samuel Mitchell, a white man. Her maiden name was Folsom. Sarah C. Griffith is a daughter of Robert H. Mitchell, and Albert M. Mitchell is a son of said Robert Mitchell. Jesse Mitchell is a son of William C. and Nancy Mitchell, and claims through his father. Gus Mitchell is a son of Jesse and Rebecca Mitchell, and claims through his father. Arki Mitchell is a brother of Gus Mitchell and claims through his father. Sarah C. Harris is the daughter of William

C. and Nancy Mitchell, whose maiden name was Durant.

Mary O. Pool is a daughter of Green C. Linscott and Sarah C. Harris, formerly Linscott. Robert F. Linscott and Nancy I. Fitzgerald are brother and sister of Mary O. Pool.

John M. Mitchell is a son of Samuel and Jane Mitchell, and claims through his father. William C. and Samuel Mitchell are brothers of John M. Mitchell. Charles D. and Jennie Mitchell and Elvira Parker are children of Richard and Hester (or Hetty) Mitchell and claim through their father. Their mother's maiden name was Jackson. William P. and Cora A. Mitchell are children of Richard and Tobitha Mitchell. Joab A. Mitchell and Rebecca J. and Jennie A. Harrison are children of Joel G. and Ebbie (or Debby) Mitchell (nee Hood.) William C. and John H. Mitchell and Elvira G. Lamb are children of William C. and Nancy Mitchell.

It is shown by the record that Nathaniel Folsom was the father of Alzira Folsom, who married Samuel Mitchell, a white man, and was the grandmother of principal applicant Robert H. Mitchell.

These applicants claim descent from Nathaniel Folsom, Nancy or Mary Folsom (nee Handerson - Wachubbee;) Joel Mitchell, Elvira Mitchell (nee Dibber), and Alzira Mitchell (nee Folsom - or Fulsom).

July 14, 1904, the Commission to the Five Civilized Tribes held that the applicants were not entitled to identification as Mississippi Choctaws, and the records of this Office show that Nathaniel Folsom received a patent to land, to-wit:

the SE/4 of section 11, township 21, range 2 west, under the Nineteenth Article of the Treaty of 1830.

Ofehoma, otherwise known as Red Dog, and James Henderson, was awarded all of section 4, township 10, range 6 east, and all of section 33, township 11, range 6 east, under Article 19 of the Treaty of 1830.

Charles Dibrell, white, was the husband of Alzina Mitchell, daughter of Sam Mitchell. Alzina Mitchell was one-fourth Indian blood. Their children were Sophia and Mary Louise Dibrell, deceased. Charles Dibrell and the members of his family were Fourteenth Article claimants but were rejected.

The records of this Office do not show that Nathaniel Folsom, Nancy or Mary Folsom nee Henderson, Alzina Mitchell nee Folsom, (or Fulsom), Wachubbee, Joel Mitchell, Elvira Mitchell, and Dibber, obtained a patent to land under Article Fourteen of the Treaty of 1830, or applied to the Commissions appointed under the Acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513), for an adjudication of their rights, if any they had.

The applicants are not, therefore, entitled to identification as Mississippi Choctaws, and the approval of the Commission's decision adverse to them is recommended.

Walter N., Riney J., and Johnnie Durant have been enrolled as citizens by blood of the Choctaw Nation. Their names appear opposite numbers 14855 to 14857, inclusive, as Walter N., Rina J., and John B. Durant. They were enrolled by reason of

their father being of Choctaw blood.

The record in the case also shows that during 1896, in accordance with the provisions of the Act of June 10, 1896 (29 Stats., 321), Elvira G. Lamb, John H. Mitchell and his child, Bessie L. Mitchell; Sarah E. Brower nee Mitchell and her four children, William C., Effie B., Nancy C., and Samuel H. Brower, applied to the Commission to the Five Civilized Tribes for enrollment as citizens by blood of the Choctaw Nation. The Commission denied said applications, and they appealed to the United States court for the Central District of the Indian Territory, which sustained the decision of the Commission adverse to them.

Under the provisions of section 32 of the Act of July 1, 1902 (32 Stats., 641), an appeal was taken from the unfavorable judgment of the United States court to the Choctaw-Chickasaw Citizenship Court by the applicants in the William Mitchell, et al, case. March 28, 1904, the Citizenship Court held that said applicants were not entitled to enrollment as Choctaws by blood.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

CAW-OH.

(Copy)

J.P.

LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.15176-1905.

April 23, 1906.

D. C.-15056-1906.

36737

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 30, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for identification as Mississippi Choctaws of Robert H. Mitchell et al., Sarah C. Griffith et al., Albert W. Mitchell et al., Jesse Mitchell et al., Gus Mitchell, Arkie Mitchell, Sarah C. Harris et al., Mary O. Pool et al., Robert F. Linscott et al., Nancy I. Fitzgerald et al., John W. Mitchell et al., William C. Mitchell et al., Sam Witchell et al., Charles D. Mitchell et al., Jennie Mitchell, Elvira Parker, William P. Mitchell, Cora A. Mitchell, Josab A. Witchell et al., Rebecca J. Harrison et al., Jennie A. Harrison et al., Sarah E. Brower et al., John H. Mitchell et al., and Elvira G. Lamb et al.

Reporting November 13, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

-2-

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes, dated July 14, 1904, is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary.

1 inclosure.

M.C.R.-5683.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Robert H. Mitchell,

Reichert, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor child and grandchild is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

M C R 5683

COPY.

Muskogee, Indian Territory, May 2, 1906.

Gresham & DuBois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al.

A copy of Departmental letter of April 25, 1906, is herewith enclosed.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

McM 100

COPY.

Muskogee, Indian Territory, May 2, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al.

Copy of Departmental letter of April 25, 1906, is herewith enclosed.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Mary Henderson (fb)

^{mar}
Nathaniel Folsom

W. C. Mitchell
(or William " ")

^{mar}
Nancy Dunlap

Robert H. Mitchell pp 1-2

Jesse " p 3

Sarah C. " p 3

Richard " 5

Samuel " 4

William C. " 6

Joel S. Mitchell - p 7

Alzira Mitchell - p 8
^{mar}
— Dibrel

Sophia Mitchell

① ^{mar} Martin Hancock

② — Moore

③ — Tiner

Samuel or Sam Mitchell

W. C. or William Mitchell ^{1/2}
dead
mar
Nancy Dinsdale
w. - dead.

Robert H. Mitchell
mar
Martha T. Buckley
wid

5-683
Mahala E. Mitchell, 7

Nancy Mitchell ^{dead}
mar

① Berry Powers
-w- (dead)

② — Burgess

mer
5957
Sarah C. Mitchell

①^x John H. Duryant⁴⁶
(dead)

② J. J. Pate - w.
(dead)

③ Noah Griffith - w.

ms
5684
Albert M. Mitchell 27

Martha C. Pollard
(or Mattie -)

more
56P3
Henry H. Powers 17- $\frac{1}{2}$

May Alice Smith
for names

Mary Elizabeth Pennington

Andrew Powells

Rolan " 5

Claro " 4

^{non}
5957
Walter H. Durant 1972

Riney J. Durant 17

"Johnnie K. Durant &

Lillie May Pate 13

Surilda Pate 10

"Joseph Willie Pate 8

Martha M. Griffith 6

Rosa L. Griffith 3

"Stella A. Griffith 2 m

most
5684 Arthur P. Mitchell 6

"Martha B. " 5

"Pearl A. " 4

"Florence D. " 1908

Alma May .. 4 m

* Choc. D. 213: makes application for enrollment as intermarried citizen.

His father was Wallace Durant (fb) who married Charlotte Wade (fb).

✓ Chas. D. 90, these 3 children on 1896 roll - Nos. 3266-3265-3267 in
Sugar Loaf Co.

(6)

sup
7

Alyria Folsom W. C. Mitchell
dead

mar

Samuel Mitchell

wife

Nancy Mitchell
dead

+ William C. Mitchell
mar
Lizzie Smith

+ Bonnie L. Mitchell
+ Jessie Jean "

+
U.S. Court Case # 104 (Cen. Dist):

listed for enrollment Choc. card 2406

7

mar
5692

Dora Mitchell 13
" Aquilla " 9
" Nora " 7
" Ida " 4
" John " 2

mar
5692

Joab A. Mitchell 48 $\frac{1}{2}$
wife
Isabell Mitchell

mar
6130

Minnie Smith 19
William Harrison 13
Charles " 12
Maggie " 10
" Debby " 9
" Jackson " 7
" Franklin " 6
" Robs " 4
" John " 1

mar
6130

Rebecca J. Mitchell 41 $\frac{1}{2}$
mar
O Taylor Smith
(2) W. A. J. Harrison

mar
6131

Jennie A. Mitchell 32 $\frac{1}{2}$
mar
John B. Harrison

mar
6131

Rena Harrison 13
Edgar " 11
Allie " 8
" Pinkney " 6
" James Frank " 8 m

Alzira Folsom $\frac{1}{2}$
(or Mary A. ")
mar
Sam Mitchell
w.

Joel S. Mitchell $\frac{1}{2}$
dead
mar
Debbie Hood
(or Debby (dead))

5

Joel Mitchell $\frac{1}{4}$
 (age ") dead
 mar
 Elvira D. ibber
 m " b. ") dead
 (m Alvera D. ibber)
 (m " " " ")

+ W. C. Mitchell (73?)
 (or William ")
 wife
 Nancy Mitchell

Angeline Watkins
 Caroline Denning
 Emiline Dye
 Edward Mitchell
 O. P. D. Mitchell
 • Nancy Cherry

men
 5619
 Sarah E. Mitchell 39- $\frac{1}{2}$
 mar
 Isaac Brower
 men
 5854
 John H. Mitchell 35- $\frac{1}{2}$
 mar
 Sallie Barnes
 men
 5855
 Elvira G. Mitchell 26- $\frac{1}{2}$
 mar
 William Lamb
 Dicey E. Mitchell
 mar
 Beverly
 Charles R. Mitchell
 Edward D. "
 W. J. "

men
 5619
 William P. Brower 19
 " Effie P. " 14
 " Nancy A. " 11
 " Samuel H. " 8
 " Daisy E. " 3

men
 5854
 Bessie Mitchell 8
 Roy Lee Lamb 6
 " Benlah V. " 4
 " George R. " 2
 " James G. " 8 m

Conflict.
 Cap (5619) claims this Elvira

+ Rejected in 1896 (Phoe R. 189)
 Court Case # 104

Robert H. Mitchell
Cont'd.

(2)

William D. Mitchell
Martha Hester Angeline Mitchell
L. B. or ^{mar} Buck White
Rosa Emeline Mitchell
George ^{mar} Hayes
or Day
Louisa Mitchell
Mary Jane Mitchell
Joseph Mitchell
Mose Mitchell
Johnnie Mitchell
George Mitchell

Robert H. Mitchell

3

Mary Henderson (ph)
mar
Nathaniel Folsom

Alzira Folsom $\frac{1}{2}$
Alzora "
Mary A. "
Alvira "
Elzira "
mar
Samuel or Sam
Mitchell

W. C. or William
Mitchell $\frac{1}{4}$
dead
mar
Nancy Dunlap
w. (dead)

mer
5682
Jesse Mitchell 57-
mar
Rebecca Jackson
(or Becky ") w.

mer
5681
Sara C. Mitchell 54- $\frac{1}{2}$
mar
① Louie Smith
dead
② L. C. Linscott
w. (dead)
(or Green C. ")
③ Martin A. Harris
- w.

mer
5682
Essie Mitchell 16
" Lessie " 16 } T

mer
5748
Lue Mitchell 29- $\frac{1}{6}$

mer
5792
Archie Mitchell 21-

mer
5681
Isaac Linscott 18
" Jessie Florence " 16
" Mack Harris 11
" Leslie May " 9

mer
5687
Mary O. Linscott 30- $\frac{1}{16}$
mar
John D. Pool
- w.

mer
5687
Arthur W. Pool 10
" Ollie V. " 8
" Addie E. " 5
" Cynthia J. " 3
" Sarah F. " 6 m

mer
5689
Robert F. Linscott 25- $\frac{1}{16}$
wife
Vivian B. Linscott
(or Belle ") w.

mer
5689
Alvis C. Linscott 19 m

mer
5688
Nancy J. Linscott 24- $\frac{1}{16}$
mar
Paul F. Fitzgerald
w.

mer
5688
Martin S. Fitzgerald 6
" Joe P. " 4
" Frank " 2 m

William D. Linscott (68?)
wife
Beatrice Linscott - w.

Gordie G. Linscott
Myrtle "

(4)

Mary Henderson (fl)
mar
Nathaniel Folsom

Alzira Folsom $\frac{1}{2}$
" Alzora "
" Mary A. "
" Alvira "
" Elzira "
mar
Samuel or Sam
Mitchell

W. C. or William
Mitchell $\frac{1}{4}$ (dead)
mar
Nancy Dimplap
- w- (dead)

Samuel Mitchell $\frac{1}{8}$ (70?)
(or Sam ..) dead
mar
Jane McCord

mar
5690
John M. Mitchell 45- $\frac{1}{16}$
mar
Sarah A. Harris
- w-

mar
5588
William C. Mitchell $\frac{1}{32}$
mar
Mary Hall
w

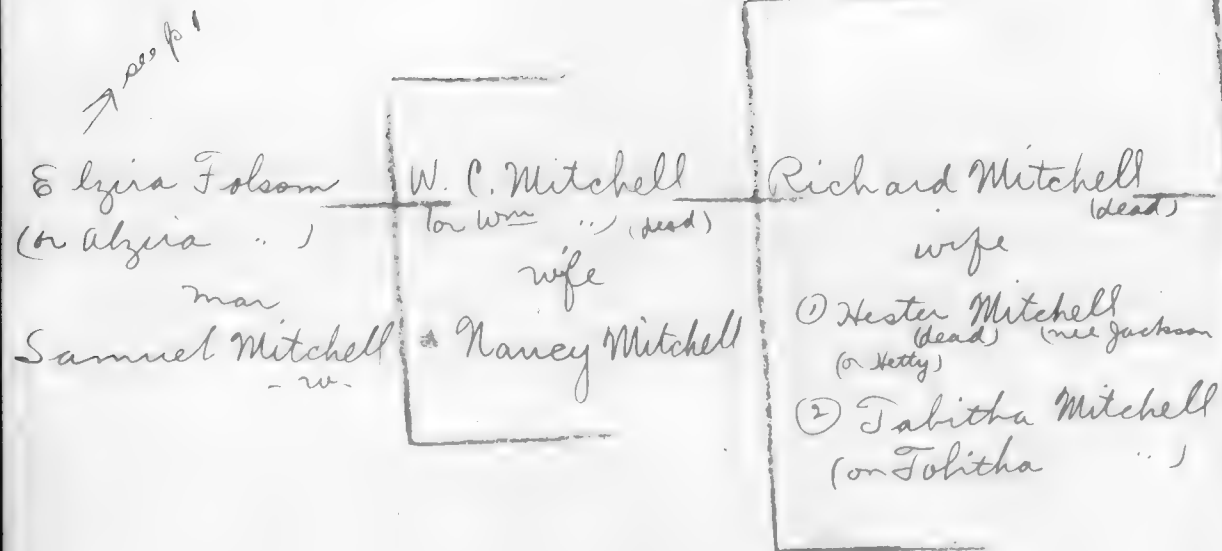
mar
5691
Sam Mitchell 30- $\frac{1}{16}$
mar
Orlena Vance
(or Olena ..) - w-

Nancy A. Mitchell
mar
James Latem
Charles Mitchell
Meloma Mitchell
Iuba Mitchell
Savannah Mitchell
Jennie Mitchell
Ellen & Einhart (mar name)

mar
5690
Ellen B. Mitchell 18
" William B. " 13
" Alma J. " 10
" John H. " 8
" Kingsley B. " 6
" Rubie E. " 3

mar
5588
Bessie Mitchell 14
" Sam " 11
" Jennie " 8
" Gracie " 5
" Quitman " 2

mar
5691
Melvin C. Mitchell 5



mer
5686
Charles D. Mitchell 32- $\frac{1}{6}$

mer
5686
Richard Y. Mitchell 18
Pleasant E. " 15

mer
5741
Jennie Mitchell 27- $\frac{1}{6}$

mer
5685
Elvira Mitchell 25- $\frac{1}{6}$

mar
George E. Parker
- w -

mer
5790
William P. Mitchell 22- $\frac{1}{4}$

mer
5791
Cora A. Mitchell 20 -

Emell Mitchell ?

Emmett Mitchell ?

Victoria Mitchell ?
(or Virginia ..)

For Identification as a Mississippi Choctaw.

Date

MAY 2 1902

Name Robert H. Mitchell.

Age 65- Blood ~~1/4~~ 1/8

Post-Office, Richard, D. T., -

Father: W. C. Mitchell d

Mother: Nancy " d

Claims through father - - -
 wife, Martha T. Mitchell, l. w.
 No claim for wife.

Children:

Mahala E. Mitchell, 17

Kenny H. Powers, - 17 1/2
 father, Berry " (d) - w.
 Mother, Nancy " (d) - cho. ~~1/4~~

Claims for daughter
 and grand son -
 'See R. 186

Stenographer H. M. Haines.

Pitchell, et al.
REFUSED.

DECISION RENDERED

JUL 14 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

JUL 14 1904

NOTICE OF DECISION

FORWARDED ATTORNEY JUL 14 1904

FOR APPLICANTS.

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JUL 14 1904

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

APR 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAY -2 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY -2 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY -2 1906

REFUSED.

REFER TO M. C. R.

Choctaw MCR 5684

Albert M. Mitchell

See MCR 5683

MCR 5684

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 27, 1902.

5684

In the matter of the application of Albert M. Mitchell for the identification of himself and his five minor children, Arthur P., Martha B., Pearl A., Florence D. and Alma May Mitchell, as Mississippi Choctaws.

Gresham & Dubois, attorneys for applicant.

Albert M. M. Mitchell being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Albert M. Mitchell.
Q What is your age? A My age is twenty seven; I was born in '75.
Q What is your post office address? A Wilburton, I.T.
Q How long have you lived in Wilburton? A Its about the last of December.
Q How long have you lived in the Indian Territory? A All my life.
Q Were you born in Indian Territory? A Yes sir; in Sugar Loaf County, Choctaw Nation.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A Robert H. Mitchell.
Q What is your mother's name? A Martha T. Mitchell.
Q You claim your Choctaw blood through which parent? A My father.
Q How much Choctaw blood do you claim? A I can't tell you.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Have you proof of the marriage of your parents with you now? A No sir.
Q Know when and where they were married? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Martha C. Mitchell.
Q Is she a white woman or Indian? A I have been informed that she had Cherokee blood but it has never been proved.
Q Do you know whether she has white blood? A I suppose she has.
Q White and Cherokee? A I suppose; it has never been proved and we have made no application for it.
Q Do you make any claim for her now? A No sir.
Q Give me the names of your children you want to make application

for commencing with the oldest. A Arthur P. Mitchell.
Q How old is Arthur? A He will be seven years old in August.
Q He is six now? A Yes sir.
Q What is the name of the next child? A Martha B. Mitchell.
Q How old is Martha? A She was born Dec. 17, 1896; she's five.
Q What is the name of the next one? A Pearl A.
Q How old is Pearl? A Four years old.
Q What is the name of the next one? A Florence D.
Q How old is she? A She's a year old past.
Q Any others? A One more; Alma May.
Q How old? A She is not quite a year old;
Q How many months? A About four months.
Q And Florence D. is one year and how many months? A Near two year;
two year old in September.
Q You claim for yourself and these children, do you? A Yes sir.
Q Is Martha C. Mitchell the mother of these children? A Yes sir.
Q And they are all living with you at your home, are they? A Yes
sir.
Q When and where were you married to your wife, Martha C.? A In
Sugat Loaf County, Choctaw Nation.
Q What date? A I will look at my license; I think its Nov. 6th--
Q Do you want to introduce this in evidence? A I suppose that
would do.

The marriage license and certificate of the marriage of Albert
M. Mitchell and Miss Mattie C. Pollard offered in evidence, re-
ceivedn filed, marked Exhibit A" and made a part of the record
in this case.

Q Is your name or the name of your children on any of the tribal
rolls of the Choctaw Nation in the Indian Territory? A Not that I
know of; I don't know whether they are in that application I made
at Tuskahoma or not.
Q I mean have they ever been enrolled? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Territory
for yourself and children or for yourself alone? A No sir.
Q Have you ever made application for yourself and children or either
to the Dawes Commission under the Act of Congress of June 10, 1896?
A No sir.
Q Have you ever made application for yourself since that time?
A I don't know exactly what time; it must have been in '97 I reckon
at Tuskahoma.
Q What is your father's name? A Robert H. Mitchell.
Q He made application before the Dawes Commission in 1896, didn't
he? A Not as I know of.
Q Well, you never heard that application was made for you to the
Dawes Commission under the Act of Congress of June 10, 1896? A I
don't know anything about that.
Q You do know however, that you made application for yourself
October 10, 1899; you made application at Tuskahoma? A I don't know
what date.
Q The record shows. Do you know what was done with that application?
A No sir.

Q Didn't you ever hear that a decision was rendered against you?
A No sir.

Q Did you ever get a letter from the Commission about it? A No sir.

The records of the Commission show that on October 10, 1899, at Tuskahoma, Indian Territory, the applicant, Albert M. Mitchell, appeared before the Commission for enrollment as a Choctaw and that on May 19, 1902, a decision was rendered adverse to the application of Albert M. Mitchell; and on the same date the record was forwarded to the Secretary of the Interior for final review.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified with these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I don't know nothing about that treaty.

Q Well, you know you are making an application of some kind, aren't you? A Yes sir.

Q What is it? A To be enrolled as a Mississippi Choctaw.

Q You want to be identified, don't you, with these children?
A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?
(No answer.)

Q Do you understand that article of that treaty? A I don't exactly understand it.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was signed on the 27th day of September, 1830, and was ratified on the 24th day of February, 1831; before it was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who stayed back there article fourteen was put into the treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that well enough to claim under it/ do you think? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Its on my dad's side; Mitchell.

Q What is the full name? A (Some one prompts saying Alvira Mitchell and applicant assays yes.)

Q Do you know now who Alvira Mitchell was? A I have been taught she was my great grandmother.

Q Whom did she marry? A I don't know.

Q You are claiming through your father, Robert H. Mitchell? A Yes sir.

Q And he is an applicant for identification as a Mississippi Choctaw? A Yes sir.

Q Did you ever hear that any of your Choctaw ancestors lived in the old Choctaw Nation in Mississippi and Alabama in 1830? A Yes, I have been taught that they were from the old country.

Q Who lived there in 1830? A I have heard right smart about the Dibbers and Folsoms, but I don't know.

Q Can you give the name of any Choctaw ancestor who lived in Mississippi and was the head of a family there then? A No sir.

Q How much Choctaw blood did your great grandmother, Mitchell have? A I don't know.

Q Did she live in Mississippi in 1830? A I can't tell you.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in 1830? A Not as I know of.

Q Did they own any improvements on land in Mississippi or Alabama in 1830? A I can't tell you.

Q Do you know whether they claimed any land or any benefits of any kind under article fourteen of the treaty of 1830? A Don't know anything about it.

Q Do you know if any of your Choctaw ancestors went from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not as I know of.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Col. Ward neglected to put upon his list known as Ward's register; his neglect caused many Indians who had lands in the old Choctaw nation upon which they had improvements to lose both for they were taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed for the same purpose, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not as I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842 and entitled the holder to select land in those four States to take the place of the land which the Government had taken from them in the old Choctaw Nation.

What relation is W.C. Mitchell who has made application to be identified as a Mississippi Choctaw? A Cousin of mine.

Q Sarah C. Harris? A Aunt.

Q Do you want to refer to these cases and also to others that claim through the same common ancestor in order that all may be considered under one consolidated case? A Yes sir.

The case of Sarah C. Harris, 5681, and W.C. Mitchell, W.C.R. 5368 here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Have you any evidence you want to introduce now in support of your claim? A No sir.

Q Would you like a little time in which to introduce testimony?

A Yes, a little.

Thirty days time is allowed this applicant in which to introduce additional testimony.

Q (To attorneys): Any questions? A (By Mr. DuBois) No sir.

Thus applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, fair complexion, light brown hair and lighter mustache; he does not understand nor speak the Choctaw language and has no knowledge of the compliance by his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 29 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY. M.C.R. 5684

Muskogee, Indian Territory, July 14, 1904.

Albert M. Mitchell,

Wilburton, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor children, Arthur P., Martha B., Pearl A., Florence D. and Alma May Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixey.
Chairman.

Registered.

M.C.R.-5684.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Albert M. Mitchell,

Wilburton, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 2 1902

Name *Albert M. Mitchell,*Age *27* Blood *Son's (Known)*Post-Office, *Wilburton, I.T.*Father: *Robert H. Mitchell, l*Mother: *Martha T. " l*Claims through *father*
*Martha C. Mitchell.**No claim for*
wife -

Children:

*Arthur P. Mitchell, 7 6**Martha B. " 5**Pearl A. " 4**Florence H. " 1-8**Alma May, " 4 m.**Claims for self &*
*children**See R. 187.*Stenographer *H. M. Harris.*

Choctaw MCR 5685

Elvira Parker

See MCR 5683

MCR 5685

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 27, 1902.

5685

In the matter of the application for identification as a
Mississippi Choctaw of Elvira Parker.

Gresham & DuBeis, attorneys appearing for applicant.

Elvira Parker being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Elvira Parker, E-l-v-i-r-a--P-a-r-k-e-r.
Q What is your age? A Twenty-five.
Q What is your address? A Haileyville.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Indian Territory? A I have lived here all my life.
Q Where were you born? A In Sugar Loaf County, Choctaw Nation, Indian Territory.
Q Always lived in Indian Territory? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Richard Mitchell.
Q What was your mother's name? A Hester Jackson.
Q Hester Mitchell? A Yes, sir.
Q Through which parent do you claim Choctaw Blood? A Through my father.
Q How much do you claim? A Why about one-sixteenth.
Q One-sixteenth? A Yes, sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, or the United States authorities in Indian Territory? A No, sir; he is not.
Q You know when and where your father and mother were married? A No, sir; I can't remember.
Q You know if they were married by a minister and under a license? A No, sir; I do not.
Q Are you married? A Yes, sir.
Q What is your husband's name? A George E. Parker.
Q Is he living? A Yes, sir.
Q White man? A Yes, sir.
Q No claim for him? A No, sir.
Q Have you any children you want to make application for? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

#2

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application to either the Choctaw tribal authorities, or the United States authorities at any time, for citizenship in the Choctaw Nation? A No, sir.
- Q Is this your first application of any kind? A Yes, sir.
- Q You never have been enrolled as a citizen of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article; if you don't it can be explained to you? A I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of that treaty was to remove all the Indians who lived in that old Choctaw Nation to the Choctaw Nation Indian territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory; therefore, in order to protect the interests of these Indians article fourteen was put into the treaty of 1830. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied in any way or attempted to comply with that article of that treaty; did they comply with it, do you know? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; I mean now your grandfather, grandmother, great grandfather or great grandmother any one you claim through as having Choctaw blood? A I don't know.
- Q How far back can you go to your Choctaw ancestor; can you go beyond your father? A No, sir; I don't remember any of my grand parents at all.

#3

- Q You have to claim through some grandparent because if your father has Choctaw blood he got it either from his father or mother? A He got it from his father.
- Q What was his father's name? A William Mitchell.
- Q Who did William Mitchell get his Choctaw blood from his father or mother? A I don't know.
- Q Then you cannot go back any further than your grandfather William? A No, sir.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Can you give me the name of any Choctaw ancestor of yours who lived in Mississippi in 1830? A No, sir.
- Q Where was your father born? A In Arkansas.
- Q Where was his father William born? A I don't know.
- Q Did you ever hear that any of your ancestors lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and was the head of a family there then? A I don't know.
- Q Then you know nothing about your Choctaw ancestry further than that your father claims his Choctaw blood through his father William? A That is all.
- Q How much Choctaw blood did William have? A He claimed one-quarter.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama, after the treaty of 1830 was ratified were required to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the state if they wanted to take advantage of article fourteen. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. The result of his neglect to do so caused a good many Indians who had land in Mississippi to have it taken from them; the government took both their land and their improvements from them and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3, of that year and also in 1842, by act approved August 23, of that year, Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under that article; did you ever hear anything about that? A No, sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had formerly held land in the old Choctaw Nation which had been taken

#4

from him by the government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate should be given him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors get any such scrip from the government as Choctaw Indians? A No, sir.
Q What relation is W. C. Mitchell to you? A He is my cousin.
Q He has been before the Commission? A Yes, sir.
Q What relation is Sarah C. Harris? A She is my aunt.
Q Would you like to have their cases with others who claim through the same common ancestor considered with yours? A Yes, sir.

The case of W. C. Mitchell, 5588, and Sarah C. Harris, 5681 are here referred to for the purpose of consolidation of all these cases.

- Q Do you speak the Choctaw language? A No, sir.
Q Have you any evidence you want to introduce now in support of your application? A No, sir.
Q Do you want time in which to introduce testimony? A

Mr. DuBois:

Claimant requests thirty days additional time.

By the Commission:

This request is granted.

This applicant has the appearance and physical characteristics of being descended from white parentage; she does not understand the Choctaw language; brown eyes; brown hair; medium fair complexion. She has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

Subscribed and sworn to before me this 7th day of June 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, July 14, 1904.

Elvira Parker,

Haileyville, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixey.

Chairman.

Registered.

M.C.R.-5685.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Elvira Parker,

Haileyville, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Tame Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 27 1902

Name Elvira Parker

Age

25

Blood

1/16

Post-Office,

Haileyville, I. T.

Father:

Richard Mitchell, d

Mother:

Hester " d

Claims through Father -
husband.
George E. Parker, I. T.No claim for
husband~~Children:~~Claims for self
alone

Stenographer

G. Rosemont

Choctaw MCR 5686

Charles D. Mitchell

See MCR 5683

MCR 5686

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 27, 1902.

5686

In the matter of the application for identification as Mississippi Choctaws of Charles D. Mitchell, for himself and his two minor brothers, Richard Y., and Pleasant Emmet Mitchell.

Gresham & DuBois, attorneys appearing for applicants.

Charles D. Mitchell being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Charles D. Mitchell.
Q What is your age? A Thirty-two.
Q What is your post office address? A Wister.
Q Indian Territory? A Yes, sir.
Q How long have you lived at Wister? A About eleven years.
Q How long have you lived in Indian Territory? A About twenty-nine.
Q Where did you live before that? A In Arkansas.
Q You were born in Arkansas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Richard Mitchell.
Q What was your mother's name? A Hester Jackson.
Q Through which parent do you claim Choctaw blood father or mother?
A father.
Q How much Choctaw blood do you claim? A About one-sixteenth.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Territory?
A No, sir.
Q When and where were your father and mother married? A In Boone
County, Arkansas.
Q You remember the day of the month and year? A No, sir.
Q Are you married? A No, sir.
Q Do you want to make application for any one besides yourself?
A Yes, sir; two minor brothers.
Q Minors? A Yes, sir.
Q What is the name of the eldest child? A Richard Y Mitchell.
Q How old is Richard? A Eighteen.
Q What is the name of the next brother? A Pleasant Emmet.
Q How old is he? A Fifteen.
Q You claim for your self and your two minor brothers do you? A
A Yes, sir.
Q These are your two full brothers? A No, sir; half brother's.
Q What is the name of the father of Richard Y. Mitchell? A
Richard Mitchell.
Q That is your own father? A Yes, sir.
Q He is dead? A Yes, sir.
Q That is your own father is it? A Yes, sir.
Q What is the name of the mother of this child? A Tabitha Mitchell
Q Is she dead? A No, sir.
Q She is living? A No answer.
Q Was your father married twice? A Yes, sir.
Q His first wife's name was what? A Hester Jackson.
Q That was your mother? A Yes, sir.

- Q His second wife's name was Tabitha? A Yes, sir.
 Q She was a white woman? A Yes, sir.
 Q Living? A Yes, sir.
 Q Mother of these two minor half brothers of yours? A Yes, sir.
 Q And you and these boys claim through the same father and get your Choctaw blood through him? A Yes, sir.
 Q And neither your mother Hester or their mother Tabitha had any Choctaw blood? A No, sir.
 Q How long have you had the care and guardianship and custody of these children? A Seven years; since father died.
 Q You make this application do you with the consent of the mother who is living with you? A Yes, sir.
 Q And who is a white woman? A Yes, sir.
 Q Do you make it also as the nearest blood relative to these children; I mean the nearest relative having Choctaw blood; they have no other relatives that are nearer than you? A No, sir.
 Q They claim through the same father? A Yes, sir.
 Q You claim all your Choctaw blood from that father? A Yes, sir.
 Q Can you tell when and where your father Richard Mitchell and the mother of these children Tabitha were married? A They were married in the Territory.
 Q You remember the date? A No, sir; I do not.
 Q You have not got the proof of that marriage with you have you? A No, sir.

A reasonable time will be allowed this applicant to prove, that is within thirty days, to prove the marriage of his father with his first wife Hester and also to prove the marriage with his second wife Tabitha.

- Q Is your name or the names of your half brothers on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself or these boys? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 for yourself and these two brothers? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these two half brothers at any time either the Choctaw tribal authorities, or the United States authorities in Indian Territory? A No, sir.
 Q You never have been before the Dawes Commission before have you? No answer.
 Q Neither you nor these boys have ever been admitted to citizenship by any authority whatever? A No, sir.
 Q You now make application for yourself and these two half brothers for identification as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q You understand that article of that treaty? A I think so.
 Q You don't care to have any further explanation of it do you? A No, sir.

It reads, as follows:

~~Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the~~

ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why of course I claim through my father.
- Q Who do you claim through going back as far as you can? A Great grandfather.
- Q Did you say great grandfather or great grandmother? A Great grandmother.
- Q Her name is what? A Elzira Folsom.
- Q She married whom? A Sam Mitchell.
- Q That is your great grandmother is it? A Yes, sir.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did she live in Mississippi in the old Choctaw Nation in 1830? A I don't know.
- Q Don't know whether she was the head of a family there then? A No, sir; I don't.
- Q Did any of your Choctaw ancestors or your brothers' own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors or any of the ancestors of your half brothers go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830? A I don't know.

In 1837, as well as in 1842, Congress sent Commissions to the State of Mississippi to hear Mississippi Choctaw claimants under article fourteen of the treaty of 1830. These Commissions were sent there under various acts of Congress for the purpose of hearing Choctaw Indian claimants who claimed that they had gone before Colonel Ward, the United States Indian Agent within six months after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi, take land there and become citizens of the states, but that he had failed to make a proper record of their applications and their statements that they wished to register under article fourteen of the treaty of 1830, and because he failed to do so these Indians, many of them, lost their lands which they held in the old Choctaw Nation; they were taken from them by the government and sold at its public land sales. Because of the complaints made these two different Commissions were appointed.

- Q Did any of your Choctaw ancestors go before either of these two Commissions that of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842, Who is W. C. Mitchell? A Which one there are two of them.
- Q I mean the one, son of Sam Mitchell? A He is a cousin of mine.
- Q He made application to be identified as a Mississippi Choctaw did he not? A Yes, sir.
- Q Who is Sarah C. Harris? A My aunt.
- Q You want to have their cases considered with yours and also the cases of other relatives who claim through the same common ancestor in order that you may get the benefit of their testimony? A Yes, sir.

The cases of W. C. Mitchell M.C.R. 5588 and Sarah C. Harris, M.C.R. 5681 are here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any evidence to introduce now before the Commission?

My DuBois:

Claimant here asks for thirty days additional time in which to file additional evidence.

Commission:

This motion is allowed.

Examination by Mr. DuBois.

- Q Mr. Mitchell has it been family tradition and history that your great grandmother Alsira Polson lived in the Choctaw settlement in Mississippi? A Why I have been taught that.

Q

By the Commission.

- Q What is the color of your eyes? A I can't tell you.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair; blue-gray eyes; medium dark complexion. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of June 1902.

Charles W. Sawyer
Notary Public

in the case, together
be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

M.C.D. 5686

COPY.

Washoe, Indian Territory, July 14, 1904.

Charles D. Mitchell,

Wister, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your brothers, Richard Y. and Pleasant Ernest Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

M.C.R.-5686.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Charles D. Mitchell,
Wister, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor brothers is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

No. 5686

For Identification as a Mississippi Choctaw.

Date MAY 27 1902

Name Charles W. Mitchell

Age 32 Blood 1/16

Post-Office, Wister, I. T.

Father: Richard Mitchell d

Mother: Hester " d

Claims through father

Children: (brothers.)

Richard Y. Mitchell, 18

Pleasant E. " 15

father

Richard Mitchell (d)

mother

Tabitha " d

Claims for self &
2 minor bros.

Stenographer G. Roumoung -

Choctaw MCR 5687

Mary O. Pool

See MCR 5683

MCR 5687

R548

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary O. Pool for enrollment of herself and four minor children as citizens by blood of the Choctaw Nation.

The applicant, Mary O. Pool, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her minor children, Arthur W., Ollie V., Addie E. and Cynthia J. Pool, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Mary O. Pool and her minor children, Arthur W., Ollie V., Addie E. and Cynthia J. Pool, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, August 30, 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Ateka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :
Mary O. Pool et al, for Enrollment as:
Citizen of the Choctaw Nation. :
: :
-----: :

Chas R 348

Mary O. Pool, being first duly sworn by Acting Chairman Bixby testified as follows:

- Q What is your name? A Mary O. Pool.
Q What is your age? A 28 years.
Q What is your postoffice address? A Ateka, Ind. Ter.
Q Do you live at Ateka? A About 8 miles N.E.
Q How long have you lived there? A Two years.
Q When did you first come to the Ind. Ter? A I don't remember; I was so small.
Q Have you been living here practically, all your life? A Yes sir.
Q Have you been outside of the Ind. Ter. for the last 2 years?
A Yes, I went out this summer, two weeks ago, on a visit.
Q How long were you gone? A Three weeks.
Q That is the only time you have been out in the last 3 years? A Yes, the only time.
Q What is the name of your father? A Green C. Linscott.
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A No sir.
Q He was a citizen of the U. S.? A Yes sir.
Q What is the name of your mother? A Sarah C. Harris.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian by blood? A Yes sir.
Q What proportion of Choctaw blood does she claim to have? A 1/8
Q Is she on the Choctaw rolls? A No sir.
Q What county in the Choctaw Nation does she claim to belong to?
A I don't know what county she claims; she lives in Pontotoc Co., Chickasaw Nation
Q Being a Choctaw Indian, and living in the Chickasaw Nation, how would she be designated on the rolls of the Choctaw Nation? A I don't know
Q What proportion of Choctaw blood do you claim to have? A I reckon I am a sixteenth, to the best of my knowledge.
Q What county in the Choctaw Nation do you claim to belong to? A I live in Ateka, Co.
Q Is that the best answer you can make to my question? A Yes, I reckon I would belong to the county where I lived.
Q Have you ever been on the Choctaw rolls? A No, I have not.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a Choctaw by blood?
A No sir.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q Is this the first application you have ever made? A Yes sir.
Q When did you first learn that you were a Choctaw? A I have been taught it all through my life; I have heard them say I was part Choctaw, but the blood had not been proved until '96 I believe.
Q That was the first time you was able to prove your blood? A My relations proved it.
Q What did you do to prove it? A I never did. My uncle proved it.
Q Are you married? A Yes sir.
Q What is the name of your husband? A John L. Pool.
Q Is he a citizen of the U. S.? A Yes sir.
Q Are you claiming anything for him? A No sir.
Q Have you any children? A Yes sir.
Q Are you claiming rights for them? A Yes sir.

2-Mary O. Pool.

- Q When were you married? A In '87.
Q Where? A In Sugat Loaf Co. I. T.
Q Have you your marriage license and certificate with you? A No.
Q Were you married under U. S. or Indian law? A U. S. Law.
Q What are the names and ages of your children under 21 years of age?
A Arthur W., 8 years, Ollie V. 6 years, Addie E., 4 years and Cynthia J., one year.
Q Are these children all living with you? A Yes sir.
Q Is their postoffice address the same as yours? A Yes sir.
Q Is there any additional statement you would like to make in regard to your case? A No, not that I know of.
Q Have you any papers you would like to file? A No sir.
Q Should you have any, you will be permitted to file them with this Commission. This testimony and any papers you may be pleased to file in the nature of further testimony in your case, will be forwarded to the Hon. Secretary of the Interior, when the rolls of the citizens of the Choctaw Nation are sent to him for his examination and final approval.

The enrollment of yourself and your children is refused for the reason that your names do not appear on the rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it does not appear that either you or your children have ever been recognized as Choctaw Indians by blood by the properly constituted authorities of the Choctaw Nation, and that neither you nor your children were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by a judgment of the United States Court for the 5th Ter.

Frances R. Brown, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing transcript is a true and correct transcript of the testimony of said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me this
15th day of June, A. D., 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5687

In the matter of the application of Mary O. Pool for the identification of herself and her five minor children, Arthur W., Ollie V., Addie E., Cynthia J. and Sarah F. Pool, as Mississippi Choctaws.

Gresham & DuBois, attorneys for applicant.

Mary O. Pool being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary O. Pool.
Q What is your age? A Thirty.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you lived there? A I have been living near there eight years that's been my post office.
Q Where did you live before that? A Worcester Junction in Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A Sixteen years since we came here this last time; I was brought here the first time when I was very small.
Q Where were you born? A In Arkansas.
Q What place in Arkansas? A Marion County.
Q You lived in Arkansas how long? A Three years.
Q From there you went where? A Choctaw Nation.
Q Lived how long in the Choctaw Nation at that time? A I don't know.
Q Then you went where? A Back to Arkansas close to the line.
Q When did you come back to the Choctaw Nation the second time?
A I can't tell you but I have been living here sixteen years this last time.
Q What is your father's name? A G. C. Linscott.
Q What is your mother's name? A Sarah G. Harris.
Q She made application yesterday for identification as a Mississippi Choctaw didn't she? A Yes sir.
Q You claim your Choctaw blood through her, don't you? A Yes sir.

Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A John L. Pool.
Q Is he a white man and living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children that you want to make application for?
A I have five.
Q What is the name of the oldest? A Arthur W. Pool. He is ten years old.
Q What is the name of the next? A Ollie V. Pool; eight years old.
Q The next? A Addie E.
Q How old is she? A She's about five years old.
Q The next? A Cynthia J.
Q How old is Cynthia? A She's three years old.
Q And the next? A Sarah F.
Q How old is Sarah? A Six months old.
Q Is John L. Pool the father of these children? A Yes sir.
Q And you are living with your husband are you? A Yes sir.
Q And these children are all living with you? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q Is your name or your childrens' on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for yourself and children for citizenship at any time to the Dawes Commission? A Two years ago.
Q Do you remember the date? A 1st June.
Q What year? A 1899.
Q You made application for yourself and children for enrollment before the Commission at Atoka, Indian Territory, on that date?
A Yes sir.
Q What was done with that application, do you remember? A No sir.
Q Do you know whether it was refused? A It seems to me that they rejected us, because we had not made application in 1896 I think.

The records of the Commission show that this applicant, Mary O. Pool, made application for herself and her minor children before the Commission at Atoka, Indian Territory, June 8, 1900 (Choc.R. 548); that on August 30, 1900, said application was refused by the Commission; and the record made at said time is now transferred to and made a part of this application for the identification of herself and her minor children as Mississippi Choctaws.

Q This is the only application you have ever made, is it, for the enrollment of yourself and children, to either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Yes sir.

Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A Yes sir.

Q You don't care to have that explained further? A I don't care.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at dancing Rabbit Creek in the State of Mississippi; the object of the treaty was to remove all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who stayed back there article fourteen was drawn up and put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case an grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply in any way with the provisions of that article? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A As far back as I have been taught?

Q Yes, back to 1830? A Alzira Folsom.

Q A-l-z-i-r-a F-o-l-s-o-m? A Yes sir.

Q That was her maiden name, was it? A Yes sir.

Q She married whom? A Sam Mitchell.

Q He was a white man? A Yes sir.

Q How much Choctaw blood did his wife, Alzira have? A I don't know.

Q What relation was she to you? A Great grandmother.

Q Did she live in Mississippi in 1830? A I don't know.

Q Did she live in the old Choctaw Nation in Mississippi or Alabama at any time during her life? A I don't know.

Q You never heard that she or any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 and was head of a family there then? A Mother has told me she lived in Mississippi but she didn't tell me when.

Q Or that she was married or had a family there then? A Her children was born there.

Q Born when? A I don't know when.

Q How old would she be if living now? A I don't know.
Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.
Q Did any of them go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

In 1837 under an act of Congress approved March 3, that year, and in 1842, under act approved August 23, that year, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints of a good many Choctaw Indians who said that they had gone to Col. Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and attempted to register their names under that article with him but that he had failed to put their names upon a list known as Ward's register, and because of his failure to do so a good many Indians had lost their lands and improvements which they had there; they were sold.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A No sir.

The act approved August 23, 1842, provided that if any Choctaw Indian proved his claim or right under article fourteen and also proved that his land had been taken from him by the Government and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him--

A I don't know.

Q You don't know whether any of your Choctaw ancestors got any such scrip? A No sir.

Q Who is Sarah C. Harris? A She is my mother. (Her case is 5661.)

Q Who is W.C. Mitchell? A Which one of them?

Q The one who made application recently before the commission?

A That's my cousin.

Q Do you want to have these cases consolidated under one head? A Yes sir.

Case of W.C. Mitchell, M.C.R. 5666, here referred to for the purpose of consolidation.

Q Have you any evidence you want to introduce now? (Attorney for applicant here asks for thirty days time in which to furnish proof; it is allowed.)

Q Do you speak the choctaw language? A No sir.

(To attorney:)

Q Any questions, Mr. DuBois? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown eyes, light complexion, brown hair; she does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Paine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 28th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Paine

Subscribed and sworn to before me this 30 day of June, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, January 4, 1901.

Gresham & Du Bois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 7th of December, 1900 in which you state that as attorneys for Mrs. S. C. Harris, Mary O. Pool, Wm. L. Linscott, Robert F. Linscott and Nancy I. Fitzgerald, you desire to file additional evidence and affidavits.

You state that these are applicants who appeared before the Commission at its appointment in Atoka, June 8th, 1900, and that they have been rejected by this Commission.

You are informed that the Commission cannot further consider the application of these parties for enrollment as citizens of the Choctaw Nation.

The power vested in the Commission in the enrollment of citizens of any of the Five Tribes of the Indian Territory, is limited by the act of Congress of May 31st, 1900, which provides:

"But it (the Commission) shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

In the examination of these applicants at the time of their appearance before the Commission at Atoka, Indian Territory, June 8th, 1900, the Commission developed the fact that the names of none of the applicants nor their children were at that time or had

Graham & DeBois 2

they ever been enrolled by the tribal authorities of the Choctaw Nation as citizens of that Nation and further that they had not been admitted to citizenship by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes under the Act of Congress of June 10th, 1896 or by the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission.

For these reasons the Commission refused to enroll these applicants and any evidence which might now be adduced showing their Choctaw blood or any other claim they might have as citizens of the Choctaw Nation, could not be considered by the Commission as the act of Congress of May 31st, 1900 above referred to, clearly states the powers of the Commission to hear and determine rights of applicants to enrollment as citizens of any of the Five Tribes of the Indian Territory.

If, however, your clients desire to have the record so made in their cases presented to the Secretary of the Interior if they will so notify the Commission in writing in each separate application the record will be transmitted to the Secretary of the Interior when the cases of applicants refused enrollment in the Choctaw Nation by the Commission are sent to the Secretary for his approval.

Yours truly,

Acting Chairman.

7-R-347

COMMISSIONERS

HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 22, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed you herewith for Departmental consideration, the record in the matter of the application of Mary O. Pool for the enrollment of herself and her four minor children, Arthur W., Ollie V., Addie E. and Cynthia J. Pool, as citizens by blood of the Choctaw Nation.

The applicant, Mary O. Pool, appeared before the Commission at Atoka, Indian Territory, June 8, 1900, and applied for the enrollment of herself and her four minor children, as above named, as citizens by blood of the Choctaw Nation. At the time of her application the tribal rolls of the Choctaw Nation in the possession of the Commission were examined, also the record of persons admitted to citizenship in the Choctaw Nation by the properly constituted authorities of that Nation, by the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, and by judgment of the United States Court in the Indian Territory, and the names of the applicant or her children did not

Secretary 2

appear upon such rolls, or as ever having been admitted to citizenship in the Choctaw Nation.

On August 30, 1900, a written decision to this effect was mailed to the applicant, and in which she was notified that if she desired to have her case presented to the Secretary of the Interior for his consideration, that the Commission should be so informed in writing. On September 8, 1900, this office was in receipt of the return registry card with the letter so forwarded the applicant.

On August 26, 1901, the Commission was in receipt of a communication from the applicant in which she requests that the record in the matter of her application for enrollment be forwarded to the Secretary of the Interior for his consideration, and also attaches thereto certain evidence in support of her application, consisting of the affidavits of W. C. Mitchell, Mary O. Pool, and Sarah C. Harris, and a certified copy of the judgment of the United States Court for the Central District of the Indian Territory, in the case of W. C. Mitchell et al. vs. Choctaw Nation.

The Commission has to respectfully request that its action in refusing the application of Mary O. Pool for the enroll-

Secretary 3

ment of herself and her four minor children as citizens by blood of the Choctaw Nation, be approved.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

7-R 548

1 enclosure.

Muskogee, Indian Territory, May 8, 1902.

Mary O. Pool,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that if you desire to submit to this Commission an application for the identification of yourself and your minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, you and such witnesses as you may present in person will be heard at the office of the Commission at Muskogee, Indian Territory, up to and inclusive of May 31, 1902.

If at the expiration of that time no personal application is made by you for the identification of yourself and your children as Mississippi Choctaws, the Commission will then pass upon your right to enrollment as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 14, 1904.

Mary C. Pool,

Atoka, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor children, Arthur W., Ollie V., Addie E., Cynthia J. and Sarah F. Pool.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Registered.

M.C.R.-5687.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Mary O. Pool,

Atoka, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tame Bixby.*
Commissioner.

MEMORANDA.

28 Name *Mary C Pool* (Date) *June 8 1900*

Choctaw? *Yes* County *Atoka* Year No.

Chickasaw County Year Page

Citizen by blood? *1/16* Mother's citizenship

Intermarried citizen?

Married under what law? *Us*

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

8	<i>Arthur M. Pool</i>	County	Year	Page	No.
6	<i>Allie V</i>	County	Year	Page	No.
4	<i>Addie E</i>	County	Year	Page	No.
1	<i>Cynthia</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

P.O. Atoka
Father Green C. Sisco
Mother Sarah C. Harris
Hubert John S. Pool

Refused

No.

5687

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name *Mary O. Pool*Age *30*

Blood

*1/16*Post-Office, *Atoka, I. T.*Father: *G. C. Linscott, d*Mother: *Sarah C. Harris, l*

Claims through *Mother*
husband John L Pool, l. w.
No claim for husband

Children:

<i>Arthur W. Pool.</i>	<i>10</i>
<i>Ollie V. "</i>	<i>8</i>
<i>Addie E. "</i>	<i>5</i>
<i>Cynthia J. "</i>	<i>3</i>
<i>Sarah F. "</i>	<i>6 m.</i>

Claims for self &
children

Stenographer

H. H. Harris



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 19 1904

A handwritten signature in dark ink, appearing to be 'T. S. Smith', written over the typed name 'T. S. Smith'.

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOCÉE, IND. TER.

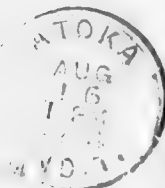
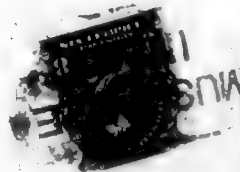
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10094

Mary O. Pool,

Atoka, Indian Territory.



Choctaw MCR 5688

• Nancy I. Fitzgerald

See MCR 5683.

MCR 5688

9551

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy I. Fitzgerald for enrollment of herself and two minor children as citizens by blood of the Choctaw Nation.

The applicant, Nancy I. Fitzgerald, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and minor children, Martin S. and Joseph P., as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Nancy I. Fitzgerald and her minor children, Martin S. and Joseph P. Fitzgerald, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, August 30, 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter. June 8, 1900.

In the Matter of the Application of :
Nancy Fitzgerald et al for Enrollment:
as Citizens of the Chectaw Nation. :
:

Choc R 531

Nancy I Fitzgerald, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Nancy I Fitzgerald.
- Q What is your age? A 22 $\frac{1}{2}$ years.
- Q What is your postoffice address? A Coalgate, I. T.
- Q Do you live at Coalgate? A Yes sir.
- Q How long have you lived there? A Since Nov., 1899.
- Q When did you first come to the Ind. Ter.? A I believe it was 1886, the best I remember; about 14 or 15 years ago; I was quite small.
- Q How much have you lived in the Ind. Ter. during the past 14 or 15 years? A I have never lived out a day.
- Q Always been in the Ty.? A Yes sir. I was in Texas one time and staid a week on a visit.
- Q Where were you born? A Sebastian Co., Ark.
- Q Were your father and mother born there? A Yes.
- Q Do your father and mother both live in the Ty.? A Yes, my mother lives in the Ty., my father died in the Ty.
- Q What was your father's name? A Green C. Linscott.
- Q Is he living? A No sir.
- Q Was he a Chectaw Indian? A No sir.
- Q He was a white man and a citizen of the U. S.? A Yes sir.
- Q What is your mother's name? A Sarah C. Harris
- Q Is she a Chectaw Indian? A She claims to be.
- Q Has her name ever been on the Chectaw Indian roll? A No, not that I know of.
- Q What proportion of Chectaw Indian blood does she claim to have? A I don't know; she only claims by blood.
- Q What county in the Chectaw Nation does she claim to belong to? A I don't know what county; she lived in Pantotoc Co.
- Q What county do you claim to belong to? A Atoka Co.
- Q What district? A District No. 2.
- Q What proportion of Chectaw Indian blood do you claim to have? A I don't know.
- Q Did you ever hear? A No, I never heard; I don't know what portion my mother is; I get it from my mother.
- Q Do you get about 1/64? A I don't know about that.
- Q How much Indian was your father? A He was a white man.
- Q How much Indian was your mother? A I don't know, I told you.; she has relations that has proved to be Indians.
- Q I am trying to prove your citizenship by you. How much blood did your mother's father claim to have? A I don't know.
- Q How much Indian blood did your mother's mother claim to have? A I don't know.
- Q Did you ever hear? A No sir.
- Q When did you first discover that you were Indian? A I have been taught I had some Indian blood all my life.
- Q But you never was taught how much? A No sir.
- Q Is your name on the rolls of the Chectaw Nation? A No sir.
- Q Did you ever apply to the Chectaw tribal authorities for enrollment as a Chectaw Indian by blood? A I never did.
- Q Did you apply to the Dawes Commission in '96? A No sir.
- Q This is the first application you have ever made? A Yes sir.
- Q Are you married? A Yes sir.

2-N. Fitzgerald.

- Q What is the name of your husband? A Paul F. Fitzgerald
Q Is he a white man and citizen of the United States? A Yes.
Q Are you claiming any rights for him? A No sir.
Q Have you any children? A Yes sir.
Q Are you claiming any rights for them? A Yes sir.
Q When were you married? A In '95.
Q Where? A In the Chickasaw Nation.
Q Under what law? A ~~Under~~ United States law.
Q Have you your marriage license and certificate with you? A No, I havn't them with me.
Q What are the names of your children and their ages? A Martin S., 4 years, and Joe P., 2 years old.
Q These children are living with you, are they? A Yes sir.
Q Is there any additional statement you would like to make in your case at this time? A No, not any.
Q Are there any papers you would like to file? A No sir.
Q This testimony, and such papers as you may desire in the future, to file with the Commission, will be forwarded to the Gen. Secy. of the Interior for his examination when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

Your enrollment and the enrollment of your children is refused for the reason that your names do not appear upon the rolls of the Choctaw Nation now in the possession of the Commission, and for the further reason that it does not appear that either you or your child have ever been recognized as Choctaw Indians by blood by the properly constituted authorities of the Choctaw Nation, and that you were not admitted by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by a judgment of the U. S. Court for the Terr. Ind. Ter.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witness, and that the foregoing transcript is a true and complete transcript of the testimony of said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me
this 25th day of June, A. D., 1900.



Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5688

In the matter of the application of Nancy I. Fitzgerald for the identification of herself and her three minor children, Martin S., Joe P. and Frank Fitzgerald, as Mississippi Choctaws,

Gresham & DuBois, attorneys for applicant.

Nancy I. Fitzgerald being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nancy I. Fitzgerald.
Q What is your age? A Twenty four.
Q What is your post office address? A Darthe, I.T.
Q How long have you lived there? A Well, I have been there eight years; but I have been away one year during the time.
Q How long have you lived in the Indian Territory all together?
A Something near twenty years.
Q Where did you live before that? A Arkansas.
Q Born in Arkansas? A Yes sir.
Q At what place in Arkansas? A Sebastian County.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A G.C. Linscott.
Q What is your mother's name? A Sarah C. Harris.
Q She made application to be identified as a Mississippi Choctaw May 27, 1902, didn't she? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know; about a sixteenth, I suppose.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What's your husband's name? A Paul F. Fitzgerald.
Q Is he living and a white man? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for? A Yes, three.

Q What is the name of the oldest? A Martin S. Fitzgerald.
Q How old is he? A Will be seven in December.
Q He is six now? A Yes sir.
Q What is the name of the next? A Joe P. Fitzgerald
Q How old is he? A Four years old.
Q The name of the next? A Frank.
Q How old is Frank? A Two months old.
Q Is Paul F. Fitzgerald the father of these children? A Yes sir.
Q Do you and your husband live together and the children are living with you at your home? A Yes sir.
Q Were either of you married before you married each other? A No sir.
Q You claim for yourself and children, do you? A Yes sir.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for yourself or any of your children to the Choctaw tribal authorities in the Indian Territory? A I don't know; I have been before the Dawes Commission.
Q What is not the tribal authorities; did you ever go before the council or committee of the nation itself? A No sir.
Q Have you ever made application for citizenship in the Choctaw nation to the Commission to the five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Did you at any time go before the Dawes Commission for enrollment as Choctaw Indians? A Yes sir.
Q Do you remember the date? A It was in June I believe 1898.
Q How many years ago was it? A Two years ago; I believe it was in June.
Q Well, that would be 1900, wouldn't it? ----

The records show that Nancy I. Fitzgerald made application to be enrolled before the Commission at Atoka, Indian Territory, June 8, 1900. (Choc.R.551.)

Q What was done with that application, do you remember? A It was rejected.
Q On what ground, do you remember? A I believe it was because we didn't make application in '96.
Q Was it under the act of Congress of June 10, 1896? A Yes sir.
Q You were notified were you, of the fact that your application was refused? A Yes sir.

The records of the Commission show that this applicant applied for the enrollment of herself and her children at Atoka, Indian Territory, June 8, 1900, and that a decision adverse to her application for herself and children for enrollment was rendered by the Commission on August 30, 1900.

The record made at said time is now transferred to and made a part of this application for the identification of herself and her minor children as Mississippi Choctaws.

Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States ~~xx~~ for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My great grandmother's name was Folsom I believe that's where the Indian blood comes from.

Q What was her first name? A Alsira.

Q Did she or any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.

Q How old would your great grandmother, Alsira Folsom, be if living now? A I don't know.

Q Alsira Folsom married Sam Mitchell, didn't she? A Yes sir.

Q How much Choctaw blood did she have? A I don't know.

Q Did she live in Mississippi in the old Choctaw nation in 1830? A I don't know.

Q Did she ever live there? A I don't know.

Q Don't know whether she was head of a family in Mississippi in 1830? A I have heard mother say that she was.

Q Then you have heard so from your mother? A Yes sir.

Q Did you hear your mother say that she lived in Mississippi in 1830 and was the head of a family there then? A Only that she lived in Mississippi but I don't know whether it was in 1830 or not or whether she had a family there then.

Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw nation in Mississippi or Alabama in 1830 and were heads of families there then? A No sir, I don't.

Q You claim through your mother, Sarah C. Harris? A Yes sir.

Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw nation in Mississippi or Alabama in 1830? A I don't know; I suppose they did.

Q What makes you suppose they did? A Well, I have heard mother say that her mother came from Mississippi and that there was four children living in Mississippi.

Q Well, the question was, did any of them receive any land from the Government under article fourteen of the treaty of 1830? A I don't know whether they did or not.

Q Did any of them own any improvements on lands in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian agent that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required under article fourteen of that treaty if they wanted to take advantage of it to go to the United States Indian agent whose name was Col. Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Indians did this whose names Col. Ward neglected to put upon his list and his neglect to do so caused many Indians to have their lands taken from them by the Government and sold at Public Land Sale; this caused a great deal of distress among the Indians and because of these complaints Congress in 1837, March 3, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed and this also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under that article of that treaty? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had held in the old Choctaw Nation and which the Government had taken from them? A I don't know.

Q This scrip was issued August 23, 1842,; what relation is W.C. Mitchell to you who made application a few days ago before the Commission? A Cousin.

Q What relation is Sarah C. Harris? A My mother.

Q Do you wish to have these cases and others of applicants claiming through the same common ancestor considered and grouped with your case? A Yes sir.

M.C.R. 5588 and 5681 are here referred to for the purpose of consolidation.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any evidence you want to introduce now? A No sir.

Q Do you desire time? A

On motion of attorney for applicant thirty days time is allowed this applicant in which to introduce other proof in support of this claim.

Q Is there anything you want to say further in support of your

claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, light brown hair and fair complexion; does not understand or speak the Choctaw language and does not know whether or not her ancestors complied with article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 3rd day of June, 1902.

Charles H. Sawyer

Notary Public.

Huskogee, Indian Territory, January 4, 1901.

Graham & Du Bois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 7th of December, 1900 in which you state that as attorneys for Mrs. S. G. Harris, Mary O. Pool, Wm. L. Linscott, Robert F. Linscott and Nancy I. Fitzgerald, you desire to file additional evidence and affidavits.

You state that these are applicants who appeared before the Commission at its appointment in Atoka, June 8th, 1900, and that they have been rejected by this Commission.

You are informed that the Commission cannot further consider the application of these parties for enrollment as citizens of the Choctaw Nation.

The power vested in the Commission in the enrollment of citizens of any of the Five Tribes of the Indian Territory, is limited by the act of Congress of May 31st, 1900, which provides:

"But it (the Commission) shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

In the examination of these applicants at the time of their appearance before the Commission at Atoka, Indian Territory, June 8th, 1900, the Commission developed the fact that the names of none of the applicants nor their children were at that time or had

Gresham & DuBois 2

they ever been enrolled by the tribal authorities of the Choctaw Nation as citizens of that Nation and further that they had not been admitted to citizenship by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes under the Act of Congress of June 10th, 1896 or by the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission.

For these reasons the Commission refused to enroll these applicants and any evidence which might now be adduced showing their Choctaw blood or any other claim they might have as citizens of the Choctaw Nation, could not be considered by the Commission as the act of Congress of May 31st, 1906 above referred to, clearly states the powers of the Commission to hear and determine rights of applicants to enrollment as citizens of any of the Five Tribes of the Indian Territory.

If, however, your clients desire to have the record so made in their cases presented to the Secretary of the Interior if they will so notify the Commission in writing in each separate application the record will be transmitted to the Secretary of the Interior when the cases of applicants refused enrollment in the Choctaw Nation by the Commission are sent to the Secretary for his approval.

Yours truly,

Acting Chairman.

V-R-247

Muskogee, Indian Territory, September 7, 1901 .

Nancy I. Fitzgerald,

South McAlester, Indian Territory.

Dear madam:

Receipt is hereby acknowledged of your letter of August 8, requesting that the record in the matter of your application for the enrollment of yourself and two children as citizens of the Choctaw Nation, be forwarded to the Secretary of the Interior for his consideration, and enclosing additional evidence in support of your application.

Such request and the evidence enclosed in your letter have been duly filed and the record so made will be forwarded to the Secretary of the Interior.

Yours truly,

Commissioner in Charge.

7-R-551

Muskegee, Indian Territory, May 6, 1902.

Nancy I. Fitzgerald,

Darthe, Indian Territory.

Dear Madam:

In accordance with the request recently made the Commission in which the change of your postoffice address was suggested, there is forwarded you herewith, our letter of March 11, 1902, in which you were notified that you would be permitted thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses, showing that you and your two minor children are entitled to be identified as Mississippi Cheotaws under the provisions of the twenty-first section of the act of Congress of June 28, 1898. This letter was returned to the Commission undelivered.

You are now advised that if you desire to submit to the Commission an application for the identification of yourself and your two minor children as Mississippi Cheotaws entitled to rights in the Cheotaw lands under the provisions of the fourteenth article of the treaty of 1830, you and such witnesses as you may present in person will be heard at the office of the Commission, at Muskegee, Indian Territory, up to and inclusive of May 31, 1902.

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If at the expiration of that time no personal application is made by you for the identification of yourself and your two minor children as Mississippi Choctaws, the Commission will then pass upon your rights to enrollment as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

Enc Y 152

W O R 5000
W O R 5000

Muskogee, Indian Territory, August 5, 1902.

Cresham & DuBois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing affidavits of J.H. Spear and Samuel Raynor which you offer for filing in support of the applications for identification as Mississippi Choctaws included in the consolidated case of Sarah G. Harris, et al.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 14, 1904.

Nancy I. Fitzgerald,
Cope
~~Baytown~~, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor children, Martin S., Joe P. and Frank Fitzgerald.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

M.C.R.-5688.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 2, 1906.

Nancy J. Fitzgerald,

Darthie, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,



Commissioner.

Fitzgerald

MEMORANDA.

72 Name *Nancy J Fitzgerald* (Date) *June 8 1899* 1900

Choctaw? *yes* County *A.T. Co.* Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law? *U.S.*

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

4	<i>Martin S. Fitzgerald</i>	County	Year	Page	No.
2	<i>Joseph S. Fitzgerald</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

P.O. Coalgate
John Green C. Simcocks
Master Daniel C. Harris
Hub. Paul G. Fitzgerald

For Identification as a Mississippi Choctaw.

MAY 28 1902

Date

Name *Nancy J. Fitzgerald*

Age *24* Blood *1/16*

Post-Office, *Barthie, I. T.*

Father: *G. C. Linscott* *d*

Mother: *Sarah C. Harris, l*

Claims through *mother* — —

~~Husband~~

Paul F. Fitzgerald d. l. w.
No claim for husband

Children:

Martin V. Fitzgerald, 6

Joe P. " 4

Frank " 2 m.

Claims for self & children.

Stenographer *H. H. Hains*



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

5688

*Returned
to Luck Pearson
H. A. A.*

Mississippi Choctaw Division

Muskogee

Mail to Capt

Nancy J. Fitzgerald,

~~Dartles~~, Indian Territory.



Choctaw MCR 5689

Robert F. Linscott

See MCR 5683

MCR 5689

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :
Robert F. Linscott for enrollment as :
a Citizen of the Choctaw Nation. :
-----+-----

Choc R 350

Robert F. Linscott, being first duly sworn, by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Robt. F. Linscott.
Q What is your age? A 24 years.
Q What is your postoffice address? A Coalgate, I. T.
Q Do you live at Coalgate? A Yes sir.
Q How long have you lived there? A About 9 months.
Q Where did you live before that? A The last I lived down SE of Atoka about 10 miles.
Q How long have you lived in the Ind. Ter? A I have been here all my life.
Q Have you been outside of the Ty. during th last 3 years? A Yes, I have been outside during the past three years.
Q For what purpose, and how long did you remain? A I went to Texas to take my mother home, and I was out four days.
Q Is that all the time you have been out during the past 3 years? A Yes sir.
Q Was you born in Texas? A I reckon so. I was in the Ty. when I can first recollect.
Q What is the name of your father? A A Green C. Linscott.
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A No sir.
Q White man? A Yes sir.
Q What is the name of your mother? A Sarah C. Harris.
Q What was her name before she was married? A Sarah G. Mitchell
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A Claims to be.
Q She claims to be a Choctaw Indian by blood? A Yes sir.
Q Was she ever on the Choctaw rolls? A No sir.
Q Did she ever try to get on the Choctaw rolls? A No sir.
Q Do you know what county in the Choctaw nation she claims to belong to? A No sir.
Q What county in the Choctaw nation do you claim to belong to?
A I don't know; I live in Atoka Co.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q Has your name ever been on the Choctaw Indian rolls? A No sir.
Q Did you ever apply to yhr Choctaw tribal authorities for enrollment as a Choctaw Indian by blood? A No sir.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q This is the first application you have ever made? A Yes sir.
Q Are you married? A Yes sir.
Q Do you claim any rights for your wife? A No sir.
Q Have you any children? A No sir.
Q Is there any additional statement that you desire to make at this time in regard to your case? A No sir.
Q Have you any papers you would like to file? A No sir.

Your application for enrollment is refused for the reason that your name does not appear upon the rolls of the Choctaw Nation now in the possession of this

R.R.F. Lincoett.

Commission, and for the further reason that it does not appear that you were ever recognized by the properly constituted tribal authorities of the Chectaw Nation as a Chectaw Indian by blood, and that you were not admitted to citizenship in the Chectaw nation as a Chectaw Indian by blood by the Commission to the Five Civilized Tribes under the Act of June 10, 1896, or by a judgment of the United States court.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission for the Five Civilized Tribes, she reported the testimony of the above mentioned witness, and that the foregoing is a true and complete transcript of the testimony of said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me this 18th day of June, A. D., 1900.


Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskeges, I.T. May 28, 1902.

5689

In the matter of the application of Robert F. Linscott for the identification of himself and his minor child, Alvis C. Linscott, as Mississippio Choctaws.

Gresham & DuBois, attorneys for applicant.

Robert F. Linscott being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert F. Linscott.
Q What is your age? A Twenty five years old.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you lived at Atoka? A Christmas eve day.
Q This last Christmas? A Yes sir.
Q How long have you lived in the Indian Territory altogether?
Q How long have you lived in----A I don't know exactly; about some
13, 14, 15, or 16 years.
Q Where were you born? A Arkansas.
Q Where in Arkansas? A Sebastian County.
Q How long did you live in Arkansas? A Mother said we come to
Arkansas when I was probably a month old and we come from Indian
Territory and moved back to Indian Territory.
Q You have always lived there in Arkansas or Indian Territory?
A Yes sir.
Q And for sixteen years last past you have lived in Indian Terri-
tory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A O.C. Linscott.
Q What was your mother's name? A Sarah C. Harris.
Q She married a man named Harris after your father died? A Yes sir.
Q Do you claim through your mother? A Yes sir.
Q She made application to be identified yesterday, didn't she?
A Yes sir.

Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Vivane B. Linscott.
Q Is she living? A Yes sir.
Q White woman or Choctaw? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A Yes sir.
Q What is the name of the oldest? A Alvis C. (A girl.)
Q How old is she? A About seventeen months old.
Q Is that the only child you have? A Yes sir.
Q Is Vivane B. Linscott the mother of this child? A Yes sir.
Q Are you and your wife living together with this child at your home? A Yes sir.
Q Were either of you married before--? A No sir.
Q You claim for yourself and this child do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application before the Commission to the Five Civilized Tribes at any time subsequent to that date? A Yes sir.
Q Do you remember the date when you did appear before the Commission for enrollment? A June 8, 1900. At Atoka, Indian Territory.
Q Your name appears in the record made at that time as Robert P.; is that right? A No sir; Robert F. Linscott is right.
Q And you now make application under your proper name? A Yes sir.
Q What was done with that application? A I don't know; it was rejected I think.
Q Well, you were so notified by the Commission? A Yes sir; I got it at Atoka; it came back from Coalgate.

The records of the Commission show that this applicant (Choc.R. 550) applied for enrollment as a citizen of the Choctaw Nation before the Commission at Atoka, Indian Territory, June 8, 1900; on August 30, 1900, a judgment was rendered by the Commission adverse to said application.

The record made at said time is now transferred to and made a part of this application for the identification of himself and his minor child as Mississippi Choctaws.

Q You have never been admitted as a citizen of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now apply to be identified with your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir, not exactly.

The treaty of 1830 was made between the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory and in order to protect the interests of those who stayed back there article fourteen was put into the treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article? A No sir, not that I know of.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, its Folsom I reckon.

Q What is the full name? A Alzira Folsom.

Q Is that a maiden name? A Yes sir.

Q Whom did she marry? A Sam Mitchell.

Q What relation to you was she? A Great grandmother.

Q How much Choctaw blood did she have? A I don't know.

Q Did she live in Mississippi in 1830? A I don't know; I have heard she lived in Mississippi but I don't know about 1830.

Q Did you ever hear that she was the head of a family there? A Yes but not in 1830.

Q Did you ever hear of any Choctaw ancestor who was the head of a family in Mississippi in 1830? A No sir; none but her.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

Q Did any of them go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States-- tell him that they wanted to register under the provisions of article fourteen of the treaty; a good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register; his failure to do so caused many Indians who had lands in Mississippi upon which they had improvements to lose both land and improvements for they were sold at Public and Sale by the Government: so many complaints were made that in 1837 and also in 1842 Commissions were appointed by various acts of Congress and these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or 1842 and claim benefits under article fourteen of the treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know; not that I know of.

Q This scrip was issued August 23, 1842, and was issued to those who proved their claim before the Government that such land had been taken from them by the Government and sold.

What relation is W.C. Mitchell who made application recently to be identified as a Mississippi Choctaw to you? A Cousin.

Q What relation is Sarah C. Harris? A My mother.

Q Do you want to have their cases considered with yours? A Yes sir

Q And also all other cases of applicants who claim through the same common ancestor? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any evidence you want to introduce now? A No sir.

Attorney for applicant asks for thirty days time to introduce other proof: it is granted.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes light brown hair, and ruddy features; He does not understand or have any knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 28, 1902, and

-8-

that the above and foregoing is a full, true and correct transcript
of his stenographic notes in said cause on said date,

Henry B. Harris.

Subscribed and sworn to before me this 3rd day of June, 1902.

Charles H. Sawyer
Notary Public.

R.

P530

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert P. Linscott
for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Robert P. Linscott, appeared before the
Commission at Atoka, Indian Territory, June 8th, 1900, and from his
oral testimony given at that time on behalf of his claim for enroll-
ment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant
has never been on any of the rolls of the Choctaw Nation, or ever
admitted to citizenship in the Choctaw Nation by either the legally
constituted authorities of the Choctaw Nation or by the Commission
to the Five Civilized Tribes, acting under the act of Congress of
June 10th, 1896, or by the United States Courts in the Indian Terri-
tory on appeal from the decision of the tribal authorities or the
decision of this Commission.

The application for enrollment as a citizen by blood of
the Choctaw Nation, of Robert P. Linscott, is therefore hereby
refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, August 30, 1900.

Muskogee, Indian Territory, January 4, 1901.

Gresham De Bois,

Attorney at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 7th of December, 1900 in which you state that as attorneys for Mrs. S. C. Harris, Mary O. Pool, Wm. L. Linscott, Robert T. Linscott and Nancy I. Fitzgerald, you desire to file additional evidence and affidavits.

You state that these are applicants who appeared before the Commission at its appointment in Atoka, June 8th, 1900, and that they have been rejected by this Commission.

You are informed that the Commission cannot further consider the application of these parties for enrollment as citizens of the Choctaw Nation.

The power vested in the Commission in the enrollment of citizens of any of the Five Tribes of the Indian Territory, is limited by the act of Congress of May 31st, 1900, which provides:

"But it (the Commission) shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

In the examination of these applicants at the time of their appearance before the Commission at Atoka, Indian Territory, June 8th, 1900, the Commission developed the fact that the names of none of the applicants nor their children were at that time or had

Gresham & DuBois 2

they ever been enrolled by the tribal authorities of the Chectaw Nation as citizens of that Nation and further that they had not been admitted to citizenship by the Chectaw tribal authorities or by the Commission to the Five Civilized Tribes under the Act of Congress of June 10th, 1896 or by the United States Courts for the Indian Territory on appeal from the decision of the Chectaw tribal authorities or the decision of this Commission.

For these reasons the Commission refused to enroll these applicants and any evidence which might now be adduced showing their Chectaw blood or any other claim they might have as citizens of the Chectaw Nation, could not be considered by the Commission as the act of Congress of May 31st, 1900 above referred to, clearly states the powers of the Commission to hear and determine rights of applicants to enrollment as citizens of any of the Five Tribes of the Indian Territory.

If, however, your clients desire to have the record so made in their cases presented to the Secretary of the Interior if they will so notify the Commission in writing in each separate application the record will be transmitted to the Secretary of the Interior when the cases of applicants refused enrollment in the Chectaw Nation by the Commission are sent to the Secretary for his approval.

Yours truly,

Acting Chairman.

7-B-847

Muskogee, Indian Territory, September 7, 1901.

Robert F. Linscott,

South McAlester, Indian Territory .

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, requesting that the record in the matter of your application for enrollment as a citizen of the Chectaw Nation, be forwarded to the Secretary of the Interior for his consideration, and enclosing additional evidence in support of your application.

Your request and the evidence enclosed in your letter have been duly filed and the record so made will be forwarded to the Secretary of the Interior.

Yours truly,

Commissioner in Charge.

7-R-549

Muskogee, Indian Territory, May 6, 1902.

Robert P. Linscott,

Atoka, Indian Territory.

Dear Sir:

In accordance with the request recently made the Commission in which the change of your postoffice address was suggested, there is forwarded you herewith, our letter of March 11, 1902, in which you were notified that you would be permitted thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Chootaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898. This letter was returned to the Commission undelivered.

You are now advised that if you desire to submit to this Commission an application for identification as a Mississippi Chootaw entitled to rights in the Chootaw lands under the provisions of the fourteenth article of the treaty of 1830, you and such witnesses as you may present in person will be heard at the office of the Commission at Muskogee, Indian Territory, up to and inclusive of May 31, 1902.

If at the expiration of that time no personal application is made by you for identification as a Mississippi Chootaw, the

R P L 2

Commission will then pass upon your rights to enrollment as a
citizen of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 14, 1904.

Robert M. Linscott,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert M. Mitchell et al., including you and your minor child, Alvis C. Linscott.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Dixby.
Chairman.

Registered.

M.C.R.-5689.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Robert F. Linscott,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor child is a part.

Respectfully,

SIGNED *Jame Bixby.*

Commissioner.

MEMORANDA.

24 Name *Robt. P. Sinscott* (Date) *June 8 1900* 1899

Choctaw? *yes* County Year No.

Chickasaw? County Year Page

Citizen by blood? *1/16* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

P.O. Coalgate
Father Green C. Sinscott
Mother Sarah C. Harris

No. 5689

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name Robert F. Linscott.

Age 25 Blood 1/16

Post-Office, Atoka, I. T. -

Father: G. C. Linscott, d

Mother: Sarah C. Harris, l

Claims through mother.

wife, Vivane B. Linscott, l. w

No claim for wife.

Children:

Alvis C. Linscott F. 17 m

Claims for self
and child -

Stenographer H. G. Harris

Choctaw MCR 5690

John M. Mitchell

See MCR 5683

MCR 5690

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. May 28, 1902.

5690

In the matter of the application of John Mitchell for the identification of himself and his six minor children, Ellen B., William B., Alma J., John H., Kingsley B. and Pubie E. Mitchell, as Mississippi Choctaws.

Gresham & DuBois, attorneys for applicant.

John M. Mitchell being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John M. Mitchell.
Q What is your age? A I am forty five.
Q What is your post office address? A Newburg, I.T.
Q How long have you lived in Newburg? A Near there six or seven months.
Q How long have you lived in the Indian Territory? A About a year and a half.
Q Where did you live before that? A Arkansas.
Q Born in Arkansas? A Yes sir.
Q Always lived in Arkansas till you came to the Territory? A Yes sir.
Q Where did you live in Arkansas? A Most of the time in Arkansas-- I was born in Carroll County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Samuel Mitchell.
Q What was your mother's name? A Jane Mitchell.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A About one sixteenth; what I have been told.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you proof of the marriage of your father and mother with you? A No sir, I have not.

Q Do you know when and where they were married? A No sir; I don't know what date, but in Arkansas.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sarah A. Mitchell, now.
Q Is she living? A Yes sir.
Q White woman? A Yes sir. Q Do you make any claim for her? A No sir.
Q Have you children that you want to make application for? A Yes sir.
Q What is the name of the oldest? A Ellen B. Mitchell.
Q How old is Ellen? A Eighteen.
Q Is she married? A No sir.
Q What is the name of the next? A William B. Mitchell.
Q How old is William? A He is thirteen.
Q The next? A Alma J. Mitchell.
Q How old is she? A Ten years old.
The next? A John H.
Q How old is John? A He is eight.
Q The next? A Kingsley B.
Q How old? A Six.
Q Any others? A One more; her name is Rubie E.
Q How old is Rubie? A Three.
Q Is that all the children? A Yes sir.
Q You claim for yourself and these children? A Yes sir.
Q Is Sarah A. Mitchell the mother of these children? A Yes sir.
Q She and the children are living with you at your home? A Yes sir.
Q Were either of you married before you married each other? A No sir.
Q Is your name or your childrens' on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever made any application to the Dawes Commission or the Choctaw tribal authorities at any time? A No sir.
Q This is the first application you have ever made for citizenship? A Yes sir.
Q You never have been admitted to citizenship have you in the Choctaw Nation with your children by any authority whatever? A No sir.
Q Do you now come before the Commission claiming to be identified as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that well enough to claim under it? A Yes, I think so.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to

adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The old ones?
- Q Yes sir. A Alzira Polson.
- Q Do you know whether she or any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q How much Choctaw blood did she have? A I have been told one half.
- Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I can't tell you.
- Q Do you know whether she lived in Mississippi or Alabama at that time as head of a family there then? A I have been told she lived in Mississippi; my father and uncle talked about it.
- Q Did you ever hear that she had a family of children living with her in Mississippi in 1830? A No sir.
- Q Do you know of any Choctaw ancestors who lived in that old Choctaw Nation in 1830 when the treaty was signed and who had a family there then? A No sir; I don't know; I suppose they did.
- Q But you say you don't know? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I have been told that they did.
- Q Told that they owned land which they got from the Government under article fourteen? A I think that's what they claim.
- Q Who told you that any ancestor of yours received land in Mississippi under article fourteen? A I have heard my uncle.
- Q What was his name? A W.C. Mitchell.
- Q Has he made application to be identified as a Mississippi Choctaw? A No sir.
- Q He is a court citizen? A Yes sir.
- Q He was admitted to citizenship in the Choctaw Nation by United States Court at South McAlester on appeal from the decision of the Dawes Commission in 1896? A Yes sir.
- Q Were you told that they owned land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I can't tell you that; not that I know of.
- Q Did they buy that land that you say they owned once in Mississippi? A I don't know.
- Q Do you know where it was located? A No sir.
- Q Do you know what became of it? A No sir.
- Q How old would Alzira Polson be if living now? A I can't tell you.
- Q Her married name was Alzira Mitchell? A Yes sir.
- Q She married a Mitchell? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't tell you.

Q Did any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A No sir, not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of this treaty of 1830 go to the United States Indian agent Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know; not that I know of.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward and tell him that they wanted to stay there in Mississippi, take land and become citizens of the States: a great many Indians did this whom Col. Ward, the agent, neglected to enroll or place their names upon a list known as Ward's Register; because of this neglect the Government afterwards took from these Indians the land which they occupied there and sold it. This caused so many complaints that in 1837 by an act of Congress approved March 3, that year, and in 1842 by act approved August 23, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or that of 1842 and claimed any benefits under article fourteen of that treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they had once held in the old Choctaw Nation and which the Government had taken and sold? A Not that I know of.

Q What relation is W.C. Mitchell who recently made application to be identified as a Mississippi Choctaw to you? A Brother.

Q What relation is Sarah C. Harris to you? A Aunt.

Q Would you like to have these cases considered with yours and also all others where the applicants claim through the same common ancestor? A Yes sir.

The cases of W.C. Mitchell- 5568-- and Sarah C. Harris--5661-- are here referred to for the purpose of consolidation.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any documentary evidence you want to present now in support of your claim? A

(Attorney for applicant requests thirty days time to file additional proof in support of this claim. Motion is allowed.)

Q Is there anything further you want to say in support of your claim
A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has reddish brown hair, red mustache and whiskers; his complexion is ruddy, and he has blue eyes. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 12 day of June, 1902.

Charles H. Sawyer
Notary Public.

M C R 5690.

Muskogee, Indian Territory, August 5, 1908.

Gresham & DuBois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing certified copy of marriage record between John M. Mitchell and Sarah A. Harris which you offer for filing in support of the application of John M. Mitchell for the identification of himself and his minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 14, 1904.

John M. Mitchell,

Newburg, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert X. Mitchell et al., including you and your children, Ellen B., William B., Alma J., John H., Kingsley B. and Rubio H. Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R.-5690.

COPY.

Muskogee, Indian Territory, May 2, 1906.

John M. Mitchell,

Newburg, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tame Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name John M. Mitchell.

Age 45

Blood 1/16

Post-Office,

Newburg, I. T.

Father:

Samuel Mitchell, d

Mother:

Jane " l

Claims through

father

wife. Sarah A. Mitchell, l. w.

No claim for wife -

Children:

Ellen B. Mitchell, 18

William B. " 13

Alma J. " F 10

John H. " 8

Kingsley B. " 6

Rubie E. " 3

Claims for self &
child onPOOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 5691

Sam Mitchell

See MCR 5683

MCR 5691

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5891

In the matter of the application for identification as Mississippi Choctaws of Sam Mitchell for himself and his minor son Melvin C. Mitchell.

Gresham & DuBois attorneys; attorney DuBois appearing.

Sam Mitchell being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Sam Mitchell.
Q What is your age? A Thirty years old.
Q What is your post office address? A Newburg, Indian Territory.
Q How long have you lived there? A Five years.
Q How long have you lived in Indian Territory? A Five years.
Q Where did you live before that? A In Boone County, Arkansas.
Q Born there? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Samuel Mitchell.
Q What was your mother's name? A Jane.
Q Is her name Jane Mitchell? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A About one-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No, sir.
Q Do you know when and where your father and mother were married?
A They married in---I don't know, whether it was Boone or Carroll County.
Q In Arkansas? A Yes, sir.
Q You remember the day of the month and year? A No, sir.
Q You have not got that proof with you here? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Orlena, O-r-l-e-n-a Mitchell.
Q She is living? A Yes, sir.
Q White woman? A Yes, sir.
Q You make no claim for her? A No, sir.
Q Have you any children that you want to make application for? A Yes, one.
Q Give me the name of the child? A Melvin C.
Q How old is he? A Five years old.
Q That is a boy? A Yes, sir.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever previous to this present application? A No, sir.
- Q Have you ever been enrolled with your son as members of the Choctaw tribe of Indians by any authority whatever? A No, sir.
- Q You now want to be identified with your son as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A Yes, I think I do.
- Q You don't care to have it further explained? A No, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied or attempted to comply in any way with the provisions of article fourteen of that treaty? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alsira Folsom.
- Q Maiden name? A Yes, sir.
- Q Whom did she marry? A Sam Mitchell.
- Q How much Choctaw blood did he have? A One-half is what I have been told.
- Q Been told by some one in the family? A Yes, sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did you ever hear that she lived in the old Choctaw Nation in 1830 and have a family there then? A No, sir.
- Q Do you know where she married and when? A No, sir.
- Q Where was she born if you know? A I don't know.
- Q Where did she die? A I don't know that.
- Q How old would she be if living now? A I don't know.
- Q Can you give me the name of any Choctaw ancestor who lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No, sir; I cannot.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know whether I did or not.

#3

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama, in the old Choctaw Nation, in 1830? A I have been told that they owned homes there.
- Q You know where they owned them? A No, sir.
- Q Whether they bought them or had them given to them by the government or received them under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

In 1837, by act of Congress approved March 3rd of that year, and in 1842, by act approved August 23, of that year Commissions were appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. These two Commissions were appointed to hear Choctaw Indians who claimed that they had gone to Colonel Ward the United States Indian Agent within six months from the ratification of the treaty of 1830 and attempted to register under that article of that treaty but that he had neglected to put their names upon a list known as Ward's register because of this neglect the government later took their lands from them and sold it at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which scrip was issued under an act of Congress approved August 23, 1842? A I don't know.
- Q This scrip entitled the holder to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had taken from them in the old Choctaw Nation by the government and sold? Who is W. C. Mitchell who has recently been before the Commission? A My brother.
- Q What relation is Sarah C. Harris to you? A Aunt.
- Q Would you like to have this case and all other cases of relatives claiming through the same ancestor consolidated with your case? A Yes, sir.

The case of W. C. Mitchell M.C.R. 5588 and Sarah C. Harris, M.C.R. 5681 is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any evidence you want to present now? A No, sir.

Mr. DuBois:

Claimant here asks that he be allowed thirty days time to file additional proof in support of this claim.

Commission:

Motion is granted.

#4

This applicant has the appearance and physical characteristics of being descended from white parentage; he has light brown hair; reddish mustache; features are florid; he has blue eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of June 1902.

Charles H. Sawyer

Notary Public.

M C R 3691.

Muskogee, Indian Territory, August 5, 1903.

Graham & DuBois,

Attorneys at Law,

South Hialester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing marriage license and certificate between Sam Mitchell and Clara Vance which you offer for filing in support of the application of Sam Mitchell for the identification of himself and his minor child as Mississippi Choctaws.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, July 14, 1904.

Sam Mitchell,

Newburg, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor child, Melvin C. Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

Registered.

E.C.R.-5691.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Sam Mitchell,

Newburg, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor child is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902.

Name *Sam Mitchell* —

Age *30* — Blood *1/16*

Post-Office, *Newburg, I. T.*

Father: *Samuel Mitchell, d*

Mother: *Jane " l.*

Claims through *father.*

wife - *Orelina " l. w*

No claim for wife

Children:

Melvin C. " 5

*Claims for rep
and child.*

Stenographer

A. R. R. R.

Choctaw MCR 5692

Joab A. Mitchell

See MCR 5683

MCR 5692

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5692

In the matter of the application for identification as Mississippi Choctaws of Joab A. Mitchell for himself and his five minor children, Dora, Aquilla, Nera, Ida and John Mitchell.

Gresham & DuBois attorneys; Appearance by attorney DuBois.

Joab A. Mitchell being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Joab A. Mitchell.
Q What is your age? A Forty-eight.
Q What is your post office address? A Summerfield,
Q Indian Territory? A Yes, sir.
Q How long have you lived in Indian Territory? A I don't remember
it must be about fifteen years.
Q How long have you lived in Summerfield? A About five years.
Q Where were you born? A In Boone County, Arkansas.
Q Did you always live there until you came to the Indian Terri-
tory? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q His name is what? A Joel G. Mitchell.
Q What was your mother's name? A Debbie.
Q How much Choctaw blood do you claim? A About one-sixteenth I
reckon.
Q Has your father ever been recognized as a Choctaw Indian or enrol-
led as one by the Choctaw tribal authorities or the United
States authorities in Indian Territory? A No, sir.
Q Can you give me the date and the place of the marriage of your
father and mother? A No, sir.
Q Have you that proof with you? A No, sir.
Q You have not got it with you? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Isabell Mitchell.
Q She is a white woman and living? A Yes, sir.
Q You don't make any claim for her? A No, sir.
Q Now give me the names of your children beginning with the oldest
that you want to make application for under twenty-one years of
age and unmarried? A Dora, D-o-r-a.
Q How old is Dora? A She is thirteen.
Q Next? A Aquilla.
Q How old is she? A She is nine.
Q Next? A Nera.
Q N-e-r-a? A Yes, sir.
Q That a boy or girl? A Girl.
Q How old is she? A She is seven.

#2

- Q Next? A Ida.
Q How old? A Four.
Q Next? A John.
Q How old is John? A Two years old.
Q That all? A Yes, sir.
Q Is Isabell Mitchell the mother of these children? A Yes, sir.
Q Is your wife and are these children living with you at your home?
A Yes, sir.
Q Were either you or she married before you married each other? A
A No, sir.
Q Have you proof of the marriage of yourself and wife with you? A
No, sir.
Q Can you recollect the place of your marriage? A Yes, sir.
Q State it please? A I was married in 1877 in Missouri; right on
the edge of Missouri, just across the line.
Q What place? A I could not call the place anymore than that it
was close to Loden Pinery; we were married right besides the
road.
Q Were you married by a minister and under a license? A Yes, sir.
Q What day of the month were you married? A February 7th.

It will be necessary for you to introduce proof of that marriage to support the application you make for these children. You will be allowed a reasonable time on motion of your counsel later.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever previous to this application which you make now? A No, sir.
Q You never have been admitted to citizenship or your children by any authority whatever? A No, sir.
Q You now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q You understand article fourteen of that treaty? A I think I do.
Q You don't care to have it explained further? A No, sir I don't.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it.

Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with the provisions of that article of that treaty; did they do any of these things mentioned there? A I don't know that I understand it.
- Q You said you understood article fourteen of that treaty and waived an explanation of it and now you say you don't understand it. I mean did any of your Choctaw ancestors who lived in Mississippi in 1830 within six months from the ratification of the treaty go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir.
- Q Did they ever claim or receive any land under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 if you know? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to register under article fourteen? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to place upon his register known as Ward's register. His failure to do this caused a good many Indians who had land in that old Choctaw Nation upon which they had improvements to lose both; the government took both and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 by act approved March 3rd of that year appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act approved August 23rd of that year another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas. This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved that they had had land taken from them by the government. You don't know whether any of your people did that? No, sir; I don't.
- Q Do you speak the Choctaw language? A No, sir.
- Q What relation is W. C. Mitchell who has recently applied to be identified as a Mississippi Choctaw to you? A Second cousin.

- Q What relation is Sarah C. Harris to you? A Cousin.
 Q Would you like to have their cases considered with yours? A Yes, sir.
 Q And other applicants also who claim through the same common ancestor? A Yes, sir.
 Q Is there anything further you want to say in support of your claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; almost black; his mustache is light brown; whisker darker brown; black eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mr. DuBois:

Claimant asks that he be allowed thirty days time to file additional proof in support of this claim.

By the Commission:

Motion granted.

- Q You stated that you did understand the explanation of the treaty of 1830? A Yes, I think I do.
 Q Now I want to ask you the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alzira Folsom.
 Q Whom did she marry? A Sam Mitchell.
 Q Was he a white man? A As far as I know he was.
 Q How much Indian blood did Alzira Folsom have if you know? A I don't know how much she did have.
 Q She was what relation to you? A She was my grandmother I reckon.
 Q Did she live in Mississippi in 1830 in the old Choctaw Nation? A I could not say.
 Q Did you ever hear that she or any of your Choctaw ancestors lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family there then? A No, sir.
 Q Do you know how old she would be if she were living now? A No, sir.
 Q You claim through your father Joel G. Shannon? A Yes, sir.
 Q Did he ever live in Mississippi or Alabama? A I have been taught that he did.
 Q How old would he be if he were living now if you know? A Well sir I can't answer that question.
 Q When and where was he born? A I can't answer that.
 Q When and where did he die? A In Boone County, Arkansas.
 Q Was Alzira Mitchell his mother? A Yes, I think so.
 Q How much Choctaw blood do you claim for your grandmother? A U
 It seems to me that I heard she was a half breed Choctaw.
 Q That is your grandmother? A Yes, sir.
 Q Then if she was a half breed your father would have been one-quarter? A I think so.
 Q You would then be one-eighth? A Yes, sir.
 Q You said one-sixteenth; what quantity do you want to claim? A Well of course I want to claim as much as I can.
 Q You claimed one-sixteenth; what do you want to claim now, if your grandmother was one-half; and your father would be one-half of that which is one-quarter you would be one-half of that or one-eighth; you want to change that claim and make it one-eighth?

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Q Do you claim one-eighth Choctaw blood now? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Sub scribed and sworn to before me this 7th day of June 1902.

Charles H. Sawyer

Notary Public.

M C R 5688
M C R 5692

Muskogee, Indian Territory, August 6, 1908.

Gresham & Dubois,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing affidavits of J. H. Speer and Samuel Raynor which you offer for filing in support of the applications for identification as Mississippi Choctaws included in the consolidated case of Sarah E. Harris, et al.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

M.C.R. 5692
COPY.

Muskogee, Indian Territory, July 14, 1904.

Joab A. Mitchell,

Summerfield, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor children, Dora Mitchell, Aquilla Mitchell, Nora Mitchell, Ida Mitchell and John Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be transmitted to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Earle
Chairman.

Registered.

K.C.R.-5692.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Joab A. Mitchell,

Summerfield, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 25 1902

Name *Joab A. Mitchell*Age *48*

Blood

~~4/8~~ *1/8*Post-Office, *Summerfield, L.P.*Father: *Joe G. Mitchell d*Mother: *Rebba " d*

Claims through *father*
wife *Isabell Mitchell, w.l.*
No claim for wife -

Children:

*Lora Mitchell F. 13**Aquilla " F. 9**Nora " F. 7**Ida " F. 4**John " M. 2*

Claims for prop &
children

Stenographer *A. Rosemont*

Choctaw MCR 5693

Charles A. Smallwood

See MCR 5694, 5765, 5769

MCR 5693

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles Alexander Smallwood, et al., for identification as Mississippi Choctaws, consolidating the applications of

Charles Alexander Smallwood, et al. M.C.R. 5693
James A. Smallwood.....M.C.R. 5694
Huston Smallwood, et al.....M.C.R. 5768
Mary E. Brown, et al.....M.C.R. 5769.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Charles Alexander Smallwood, et al.

Original application of Charles Alexander Smallwood, et al., before the Dawes Commission for identification as Mississippi Choctaws.....1

Certified copy of the marriage record of William H. Smallwood and Emily Wilson.....7-1.

Original application of James A. Smallwood before the Dawes Commission for identification as a Mississippi Choctaw.....8

Original application of Huston Smallwood et al., before the Dawes Commission for identification as Mississippi Choctaws.....13

(2).

Original application of Mary H. Brown, et al., before the Daves Commission for identification as Mississippi Ghosts.....17

Certified copy of the marriage certificate of Charles A. Smallwood and Isabell Davis...22

Decision of the Commission denying the applications of Charles Alexander Smallwood, et al., for identification as Mississippi Ghosts.....23

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5693

In the matter of the application for identification as Mississippi Choctaws of Charles A. Smallwood for himself and his minor son Edward Smallwood.

E. Heard attorney for applicant.

Charles A. Smallwood being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A C. A. Smallwood.
Q Is that for Charles? A Charles Alexander.
Q Did you ever make application before? A No, I never have.
Q This is the first appearance before the Commission or any authority? A Yes; before any authority.
Q What is your age? A Why I am sixty-four; about.
Q What is your post office address? A Remus, Oklahoma.
Q How long have you lived at Remus? A About ten years.
Q Where did you live before that? A Close to Ft Smith.
Q In Arkansas or in the Indian Territory? A In the Choctaw Nation.
Q How long have you lived in the Indian Territory? A Off and on fifteen or twenty years.
Q Where were you born? A In Ohio.
Q What place? A Muskingum, County.
Q Is your father living? A No, sir.
Q Mother living? A No, sir.
Q What was your father's name? A William Smallwood.
Q What is your mother's name? A Emily Wilson.
Q That was her maiden name? A Yes, sir.
Q Smallwood when she died? A Yes, sir.
Q Through which parent do you claim your Choctaw blood? A Through the Smallwood's.
Q Through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A I suppose my grandfather was one-half and my father one-quarter.
Q You would be what? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother here now? A No, sir.
Q You know when and where they were married? A No, sir; I can get it from the records.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Isabell Smallwood.
Q She is living? A Yes, sir.
Q White woman? A Yes, sir.

- Q She is no Choctaw? A No, sir.
- Q You make no claim for her? A No, sir.
- Q Now give me the name of your oldest child under twenty-one and unmarried? A Ed.
- Q You call him Ed or Edward? A Edward.
- Q How old is Edward? A He is seventeen.
- Q How many children have you got under age? A I have got four.
- Q What is the name of the next? A That is all under age.
- Q Your other children are married and over age? A Yes, sir.
- Q Is Isabell Smallwood the mother of Edward? A Yes, sir.
- Q Was your wife or were you married before you married each other? A She was.
- Q But she has no Choctaw blood? A No, sir.
- Q And there is no claim for any children of hers? A No, sir; she had one child.
- Q But you don't make any application for that? A No, sir; I could not.
- Qx Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A These people here that is in the Choctaw Nation are my kin and they are enrolled.
- Q I asked if you are enrolled? A No, sir.
- Q Edward your son has never been either has he? A No, sir.
- Q Have any members of your family been enrolled as members of the Choctaw tribe or Indians? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? for yourself and child? A No, sir.
- Q Have you ever made such application for yourself and son to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Is this the first application you ever made for yourself and son for citizenship in the Choctaw Nation under any authority whatever? A Any authority whatever.
- Q You never have been enrolled as a citizen of the Choctaw Nation with your son by any authority whatever? A No, sir.
- Q You now come before the Commission to identify your self as a Mississippi Choctaw and to identify your son as such? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A I think I do.
- Q You have heard it read and explained a number of times? A Yes, sir.
- Q You don't care to have it explained to you further? A I don't think it is necessary.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles Smallwood, was my grandfather's name.
- Q Grandfather? A Yes grandfather.
- Q Did he or any of your Choctaw ancestors comply in any way or attempt to comply with article fourteen of the treaty of 1830? A They certainly did but they came here first my grandmother did.
- Q Did any of them live in Mississippi in 1830 and within six months from the ratification of the treaty of 1830 go to the United States I did Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I guess they did.
- Q Well do you know? A No, sir; I don't know.
- Q How old would your grandfather be if living now? A He would be I guess 115.
- Q Did he live in the old Choctaw Nation in Mississippi or Alabama in 1830? A Yes, sir.
- Q Was he the head of a family in Mississippi at that time? A Yes he was.
- Q You know that? A Yes, sir.
- Q Where did you get that information? A From my grandparents, hearing them talk about it.
- Q You claim that he was the head of a family in Mississippi in 1830? A That is my father was born there.
- Q How old would your father be if he were living now? A About eighty-two.
- Q Eighty-two years ago he was born in Mississippi? A Yes, sir.
- Q Do you know if your grandfather had any children younger than your father? A No, sir; he was the oldest.
- Q Then your father had brothers and sisters younger? A Yes, sir.
- Q You are positive that your grandfather Charles Smallwood was living in Mississippi in 1830 and had a family of children there then? A I am positive about that.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I could not say that.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I could not tell you that either.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A They certainly did because my grandfather's brother came here.
- Q Well did your grandfather go or did your father go? A No, sir.
- Q Then your ancestors did not go but relatives of yours went? A Yes, sir.
- Q Did your father die in Mississippi? A No, sir.
- Q Where did he die? A He died in Arkansas.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification

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of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; the government took both their land and the improvements from them and sold them at its public land sales. On account of the complaints made, in 1837 as well as in 1842, by various acts of Congress Commissioners were appointed by Congress who went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions that of 1837 or the Commission of 1842 and claim any benefits as Choctaw Indians? A I could not tell you.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that the government had taken from them and sold in the old Choctaw Nation? A I don't know.
- Q This scrip or these certificates were issued under an act of Congress approved August 23rd 1842? A Yes, sir.
- Q Have you any evidence you want to introduce now? A We have a witness.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any relatives who have been here before the Commission to be identified as Mississippi Choctaws? A no, sir.

By Mr. Heard:

We want the usual time, twenty days, in which to introduce further proof.

By the Commission:

What is the purpose of asking for this time:

By Mr. Heard:

I want to show from the records that the ancestor of this applicant took land under the treaty of 1830.

By the Commission:

Fifteen days time is granted to this applicant in which to introduce further testimony. o.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has brown eyes; his hair is heavy and gray, it does not indicate what the color was formerly but he says it was dark brown; complexion is florid; mustache gray. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Applicant excused.

Benjamin Summit called as a witness in behalf of applicants after being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Benjamin Summit.
 Q S-u-m-m-i-t? A Yes; S-u-m-m-i-t.
 Q What is your age? A Eighty years.
 Q What is your post office address? A Ardmore, Indian Territory.
 Q How long have you lived there? A Been living there ever since 1899.
 Q What is your occupation? A Nothing.
 Q Are you a member of the Choctaw tribe of Indians? A I am.
 Q As a Freedman or Indian? A As an Indian.
 Q Full blood Indian? A Yes; that is what my mamma and Daddie were, I am from them.
 Q You want to testify in this application of Charles Smallwood today? A Yes, sir.
 Q What do you want to state? A I know his grandfather.
 Q What was his grandfather's name? A Charles Smallwood.
 Q Where did you know him? A In Mississippi.
 Q How old were you when you knew him in Mississippi? A I was twelve years old.
 Q How old was Charles Smallwood? A I don't know.
 Q Was he older than you? A Yes, sir.
 Q You are eighty years old now and you knew him when you were a boy? A Yes, sir.
 Q Where did you know him? A In Pontiac County and around in several places.
 Q What kind of a looking man was this man? A Just such a looking man as he is (Indicating applicant in chief).
 Q He looked like this applicant? A Yes, sir.
 Q Was his hair black or dark brown? A Black, just as black as a pole cat.
 Q How much Choctaw blood did he have? A It seems to me he had all of it.
 Q Well this applicant don't look as though he was a full blood? A No, sir; ---I don't know.
 Q Well you said a little while ago the grandfather looked like him? A I mean in size.
 Q Was his grandfather's hair black and curly? A Yes; it was black and straight, I did not mean for it to be curly..
 Q Had blue eyes, of course? A No, they was black.
 Q Thick lips? A Thick lips and big mouth.
 Q His nose was wide and broad? A Yes wide and broad and he was copper colored.
 Q Now Benjamin what do you know about the grandfather of this applicant having complied with article fourteen of the treaty of 1830? A Well Judge I don't know anything only that I know he was a Choctaw Indian and that they lived in Mississippi.
 Q Was he living there in the year 1830? A Yes, sir; he was.
 Q How many years ago would that be? A That would be about sixty years ago, I can't count up.
 Q That would be about seventy-two years ago? A Yes, sir.
 Q How old was he then? A I don't know.
 Q Was he married at that time? A Yes, sir.
 Q Did he have children? A Yes, he had children; I know he had three children.
 Q Were they living in 1830? A Yes, sir.
 Q Seventy-two years ago? A Yes, sir.
 Q You know what their names were? A I don't know Judge.
 Q Do you know how old each of these children were in 1830? A One of them was younger than I was because I use to slap him ever many times.
 Q One was younger than you? A Yes, sir.
 Q How much younger? A As much as two years.
 Q You think one was aged about ten years? A Yes, sir.

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- Q Now can you give the age of another? A No, sir.
- Q You don't know their names? A No, sir; I don't know their names.
- Q Your memory you think is sufficiently good to remember that they lived there in Mississippi in 1830 and had these children living there then? A Yes, sir.
- Q In Pontotoc County? A Yes, sir.
- Q Did you ever hear of Colonel Ward the United States Indian Agent? A I have.
- Q Do you know whether Charles Smallwood's grandfather went to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and told him he wanted to stay in Mississippi, take land there and become a citizen of the States? A I can't tell that Judge because I don't know.
- Q You don't know that they got any land from the government as Choctaw Indians? A No, sir; I don't know, anything about that.
- Q You don't know much about that article fourteen neither? A No, sir; I don't know much about that article.
- Q The object of your testimony is to tell what you know about Charles Smallwood, the grandfather of this applicant being an Indian? A Yes, sir.
- Q That is all you know about it? A Yes, sir.
- Q Did he speak the Choctaw language? A Yes, sir.
- Q Do you speak Choctaw? A Yes, sir.
- Q Have you talked Choctaw with this applicants grandfather? A I did.
- Q Did he speak English? A He spoke English and Choctaw both..
- Q Do you know in what kind of a house he lived? A Log house..
- Q What did he do for a living? A He hunted.
- Q Anything else? A He drank whiskey just like I do.
- Q Did you drink whiskey when you were twelve years old? A Yes, sir.
- Q Did you ever hear anything about a Commission appointed by act of Congress in 1837 or a Commission appointed in 1842? A Yes, sir.
- Q Now do you know what these Commissions were appointed for? A From my understanding they was appointed to go down and search out the rolls of the Indian tribes in Mississippi.
- Q The roads or rolls? A The rolls.
- Q The Choctaw rolls? A Yes; some of them was put on and some of them was not put on and then there was one man came along who taken the rolls and got drunk and burned the rolls so we Choctaws were out off. That is why our names were not on the rolls?
- Q You are talking about Colonel Ward the United States Indian Agent now are you not? A Yes, sir.
- Q I am talking about these Commissions that were appointed after Colonel Ward heard these applicants? A Yes, sir.
- Q Now what I want to ask you is this; Did Charles Smallwood, the grandfather of this applicant to your knowledge go before either the Commission of 1837 or the Commission of 1842 and claim any rights there? A He went in 1837.
- Q How do you know he went? A He told me he was going and got on his horse and said he was going to the Commission.
- Q Where was that Commission located? A In Jackson, Mississippi,
- Q when there were only three or four houses located there; I don't know whether he went.
- Q You remember back there pretty well do you? A Yes, sir.
- Q Do you know whether he received any scrip from the government which entitled him to select land in either Mississippi, Alabama, Louisiana or Arkansas? A I don't know that Judge; it is best for me to testify to what I know.
- Q Is there anything else you can testify to in relation to this claim? A No, sir.

G. Rosenwald being duly sworn on his oath states that as

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stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

H. Rosenwinkel

Subscribed and sworn to before me this 4 day of June 1902.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;

In the matter of the application of Charles Alexander Smallwood, et al., for identification as Mississippi Choctaws, consolidating the applications of

Charles Alexander Smallwood, et al.	M.C.R. 5693
James A. Smallwood.....	M.C.R. 5694
Husten Smallwood, et al.....	M.C.R. 5768
Mary E. Brown, et al.....	M.C.R. 5769.

The following is a list of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Charles Alexander Smallwood, et al.

Original application of Charles Alexander Smallwood, et al., before the Dawes Commission for identification as Mississippi Choctaws.....1

Certified copy of the marriage certificate of Charles A. Smallwood and Isabell Davis....V-1.

Certified copy of the marriage record of William E. Smallwood and Emily Wilson.....V-2.

Original application of James A. Smallwood before the Dawes Commission for identification as a Mississippi Choctaw.....2.

(2).

Original application of Huston Smallwood
et al., before the Daves Commission for
identification as Mississippi Cheestaw.....12

Original application of Mary E. Brown, et
al., before the Daves Commission for iden-
tification as Mississippi Cheestaw.....17.

Decision of the Commission denying the
applications of Charles Alexander Small-
wood, et al., for identification as Miss-
issippi Cheestaw.....22.

-----|-----

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

85/1
C.V.W.

---o---

In the matter of the application of Charles Alexander Smallwood, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Charles Alexander Smallwood, et al., M.C.R. 5693	
James A. Smallwood	" 5694
Huston Smallwood, et al	" 5765
Mary E. Brown, et al	" 5769

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Charles Alexander Smallwood for himself and his minor child, Edward Smallwood; by James A. Smallwood for himself; by Huston Smallwood for himself and his minor child, Charlie Clifton Smallwood; and by Mary E. Brown for herself and her two minor children, Birtie E., and Ola Isabell Brown, under the following provision of the act of Congress approved June 25, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to sign and administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

(2)

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charles Smallwood, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

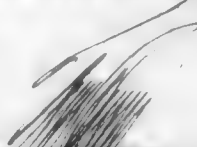
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charles Smallwood, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1887 (5 Stats., 120) and August 23, 1912 (6 Stats., 515).

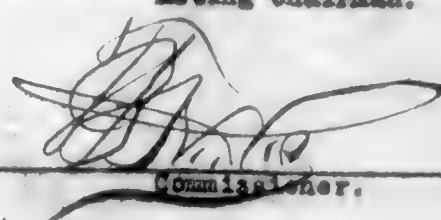
(3)

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary E. Brown, Birtie E. Brown and Ola Isbell Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUL 16 1902

FOR HUNTER 1871
A MISSISSIPPI CRYSTAL

Charles A. Smallwood & Co
MER 5693

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
G. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 5693

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 15, 1902.

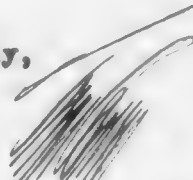
W. M. Smallwood,,

Francis, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing, for filing, certified copy of marriage record between William M. Smallwood and Emily Wilson, and the same has been filed in the case of Charles A. Smallwood who is an applicant for the identification of himself and his son, Edward, as Mississippi Choctaws.

Yours truly,



Acting Chairman.

Muskogee, Indian Territory, July 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Charles Alexander Smallwood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 15, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Charles Alexander Smallwood, et al.,	M.C.R. 5693
James A. Smallwood,	" 5694
Huston Smallwood, et al.,	" 5768
Mary E. Brown, et al.,	" 5769

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

ONED).

Through the Commissioner of
Indian Affairs.

Acting Chairman.

1 enclosure.

CONF

M.C.R. 8693.

Muskogee, Indian Territory, July 15, 1902.

Charles A. Smallwood,
Remus, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles Alexander Smallwood, et al., embracing the following applications for identification as Mississippi Choctaw:

Charles Alexander Smallwood, et al.,	M.C.R. 5693
James A. Smallwood,	" 5694
Huston Smallwood, et al.,	" 5768
Mary E. Brown, et al.,	" 5769

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

C A B B

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary B. Brown, Birtz B. Brown and Ola Isabell Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Jams Bixby.

Acting Chairman.

Registered.

copy.

M.C.R. 5698.

Muskogee, Indian Territory, July 15, 1902.

S. Heard, Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles Alexander Smallwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles Alexander Smallwood, et al.,	M.C.R. 5693
James A. Smallwood,	" 5694
Huston Smallwood, et al.,	" 5765
Mary E. Brown, et al.,	" 5769

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary E. Brown, Birtie E. Brown and Ola Isabell Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dixby.

Acting Chairman.

Registered.

M.C.R. 5693.

Muskogee, Indian Territory, July 15, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles Alexander Smallwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles Alexander Smallwood, et al.,	M.C.R. 5693
James A. Smallwood,	" 5694
Huston Smallwood, et al.,	" 5765
Mary E. Brown, et al.,	" 5769

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M HON & C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary M. Brown, Birtly M. Brown and Ola Isabell Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James L. Loxby
Acting Chairman.

C O P Y .

Land.
42351--1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report dated July 15, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated Mississippi Choctaw case of Charles Alexander Smallwood, et al., who apply for identification as Mississippi Choctaws claiming rights in Choctaw lands under the provisions of the fourteenth article of the treaty of September 27, 1830.

Charles Alexander Smallwood applies for the identification of himself and his minor child Edward Smallwood; James A. Smallwood applies for the identification of himself; Huston Smallwood applies for the identification of himself and his minor child Charlie Clifton Smallwood; and Mary E. Brown applies for the identification of herself and her two minor children Birtie E., and Olla Isabell Brown.

July 15, 1902, the Commission held that the applicants above named were not entitled to identification as Mississippi Choctaws.

The parties to this consolidated case attempt to trace their descent from Charles Smallwood, grandfather of principal applicant Charles A. Smallwood.

A careful search of the records of this office relating to these Indians who complied or attempted to comply with the provisions of the fourteenth article of the treaty of September 27, 1830, fails to show that Charles Smallwood, the alleged ancestor, made or attempted to make such compliance with said article, or that he applied to the commissions created by the provisions of the Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights.

It is therefore respectfully recommended that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A. E. TOWNER,

Acting Commissioner.

GAY
D

3 inclosures.

D.C.13478-1902.

4 8 7 6 6

J.W.H.
CMR.

DEPARTMENT OF THE INTERIOR.

I.T.D. 4462-1902.

L.P.S.

Washington.

August 15, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of Charles Alexander Smallwood for himself and his minor child, Edward Smallwood; of James A. Smallwood for himself; of Huston Smallwood for himself and his minor child, Charlie Clifton Smallwood; and of Mary E. Brown for herself and her two minor children, Birty E., and Ola Isabell Brown; transmitted by you July 15, 1902, together with your decision of same date, refusing to enroll the applicants.

These applicants attempt to trace their Choctaw descent through William Smallwood to Charles Smallwood. The latter was the grandfather of the principal applicant.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the Acts of March

3, 1837 (2 Stat., 180), and August 23, 1842 (2 Stat., 513).

The Acting Commissioner of Indian Affairs reporting in the case, July 23, 1902, recommends that your decision be approved.

The Department, upon careful review of the whole case, approves your action, and your decision is accordingly affirmed.

Copy of said report of the Acting Commissioner is inclosed.

Respectfully,

THOM. HYAN.

Acting Secretary.

1 inclosure.

M.C.R. 5693

Muskogee, Indian Territory, August 1, 1902.

Charles A. Smallwood,
Remus, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th inst., relative to the decision of the Commission in the matter of your application for identification as a Mississippi Choctaw.

We can render you no further information in regard to this matter than to advise you that the Commission has refused your application for identification as a Mississippi Choctaw, and that the record in your case is now before the Secretary of the Interior for his review. As soon as we are advised of the action of the Secretary of the Interior thereon, you will be duly notified.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5693

Muskogee, Indian Territory, August 23, 1902.

Charles A. Smallwood,

Remus, Oklahoma.

Dear Sir.

You are hereby advised that on the 15th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles Alexander Smallwood, et al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Yours truly,

(S)

James H. Hasty.

Acting Chairman.

COPY.

M.C.R. 5693

Muskogee, Indian Territory, August 23, 1902.

S. Heard, Esq.,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles Alexander Smallwood, et al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Yours truly,

John S. Gandy,
Acting Chairman.

Muskogee, Indian Territory, August 23, 1902.

Mansfield, McMurtry & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles Alexander Smallwood, et al., of which decision you were advised by mail on the 15th day of July, 1902.

Yours truly,

Acting Chairman.

CARD NO.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE SEX

REFER TO M. C. R. 5693.

Charles A. Macwood
et al

Consolidated Case

Charles Smallwood

William Smallwood 1/4

wife

Emily Wilson

Charles A. Smallwood

wife

64 '18

Isabell Smallwood m.

James A. Smallwood

25 1/6

Huston Smallwood

wife

34 1/2

Isabell Smallwood m.

Charles Clifton Smallwood

4 mo.

Mary C. Smallwood

21 1/6

mar.

George Henry Brown, w.

Birtly C. Smallwood 3

Ola Isabell Smallwood 2

Edward Smallwood 17

No. 5693

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name *Charles A. Smallwood.*

Age *64* Blood *1/8*

Post-Office, *Remus, Okla.*

Father: *William* " *d*

Mother: *Emily* " *d*

Claims through *father-*
wife. Isabell Smallwood, l.w.

No claim for wife -

Children:

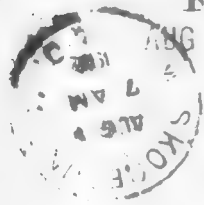
Edward Smallwood, 17

*Claims for self &
children -*

6 Remus, Okla.

2693

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED



AUG 1 1902

A handwritten signature in dark ink, appearing to be "John R. ...".

ACTING CHAIRMAN





Department of the Interior.

Commission to the Five Civilised Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

W. M. Smallwood

Francis,

Indian Territory.

Choctaw MCR 5694

James A. Smallwood

See MCR 5693

MCR 5694

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5624

In the matter of the application for identification as a
Mississippi Choctaw of James A. Smallwood.

B. Heard attorney for applicant; no appearance by attorney.

James A. Smallwood being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James A. Smallwood.
Q What is your age? A Twenty-five.
Q What is your post office address? A Remus, Oklahoma.
Q How long have you lived there? A About ten years.
Q Where were you born? A I was born in the edge of the Cherokee
Nation.
Q In the Cherokee Nation? A Right on the line.
Q In the nation or on the other side of the line? A Well I could
not tell you how it was; the line ran right through our house.
Q Between the Nation and Arkansas? A Yes, sir.
Q From there you went to Oklahoma? A Yes, sir.
Q Your father is living? A Yes, sir.
Q He is Charles A. Smallwood who made application on this date
for identification as a Mississippi Choctaw? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your mother's name? A Isabell Smallwood.
Q You claim through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in Indian Territory? A No, sir.
Q When and where were your father and mother married? A They were
married in Van Buren.
Q In what state? A In the state of Arkansas.
Q You don't know the date? A No, sir.
Q You claim only for yourself? A Only for myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the
act of Congress of June 10, 1896? A No, sir.
Q Is this the first application you have ever made either to the
Choctaw tribal authorities or the United States authorities? A Yes,
sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities, the Commission
to the Five Civilized Tribes, or the United States Court in
Indian Territory? A No, sir.
Q Do you now want to be identified as a Mississippi Choctaw? A Yes,
sir.
Q You claim under article fourteen of the treaty of 1830? A Yes,
sir.

#2

Q You understand that article of that treaty? A No, sir; I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September 1830. It was made for the purpose of removing as far as possible all of the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interest article fourteen was drafted and put into the treaty of 1830. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply in any way with article fourteen of the treaty of 1830? A No, sir; I do not.
- Q You understand that now don't you? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles Smallwood.
- Q Was he your grandfather? A He was my great grandfather.
- Q How much Choctaw blood did he have? A I don't know; I think half.
- Q Did he live in Mississippi in 1830? A Yes, sir.
- Q Did he have a family living with him then? A Yes, sir.
- Q He was the head of a family in the old Choctaw Nation in Mississippi in 1830? A Yes, sir.
- Q You heard that through your family history and through what your father has told you? A Yes, sir.
- Q You get that information also through the statements made by Benjamin Summit in your father's application? A Yes, sir.
- Q Is your father the only relative of yours who has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have the testimony given by him in his case and the testimony of his witness made a part of your application? A Yes, sir.
- Q How old would your great grandfather Charles Smallwood be if he were living now? A About 100 years old.
- Q Was he born in Mississippi? A Yes, sir.
- Q Where did he die? A I don't know.

#3

- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830 under article fourteen of the treaty? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 to your knowledge? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A None of my direct ancestors.

In 1837 and 1842, by various acts of Congress Commissions were appointed to go to Mississippi and hear Choctaw Indian claimants who claimed rights under article fourteen of the treaty of 1830. These Commissions were appointed by acts of Congress because of the complaints of Choctaw Indians who lived in the old Choctaw Nation after the treaty of 1830 was ratified and who within six months from the ratification of the treaty attempted to register under Colonel Ward the United States Indian Agent under article fourteen of that treaty. Colonel Ward failed to make a proper record of their names and the result was that a great many Indians who went to him for registration under article fourteen of the treaty failed to get their names placed upon any list made by him and they therefore lost their land which they held in the old Choctaw Nation. The government took them from them and sold them at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas which scrip was issued to them to take the place of land which had been taken from them in the old Choctaw Nation? A I don't know.
- Q Have you any evidence you want to introduce now; any papers? A No, sir.
- Q Do you care for any time in which to introduce other testimony in this case? A Yes, sir.

Fifteen days time is allowed this applicant for that purpose.

- Q Do you speak the Choctaw language or understand it? A No, sir; I know some of it but I can't speak it.
- Q You could not carry on a conversation with an Indian? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; dark complexion, somewhat sun burned; black eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled

#4

cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 4 day of June 1902.

Charles H. Sawyer

Notary Public.

COPY.

H.C.R. 5694.

Muskogee, Indian Territory, July 15, 1902.

James A. Smallwood,

Remus, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles Alexander Smallwood, et al., embracing the following applications for identification as Missions Chetaws:

Charles Alexander Smallwood, et al.,	H.C.R. 5693
James A. Smallwood,	" 5694
Huston Smallwood, et al.,	" 5765
Mary E. Brown, et al.,	" 5768

These applications were made under the provision of the act of Congress of June 20, 1896 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Chetaw Indians claiming rights in the Chetaw lands under article fourteen of the treaty between the United States and the Chetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary E. Brown, Birtie E. Brown and Ole Isabell Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the report in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tams Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, August 23, 1902.

James A. Smallwood,
Remus, Oklahoma.

Dear Sir:

You are hereby advised that on the 15th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles Alexander Smallwood, et al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Yours truly,

Acting Chairman.

No. 5694

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name James A. Smallwood

Age 25 Blood 1/16

Post-Office, Remus, Okla. -

Father: Charles A. Smallwood l.

Mother: Isabell l.

Claims through father

~~Child~~

blamin for self
alone

Stenographer

G. Rosemond

Choctaw MCR 5695

John L. Roach

See MCR 5058

MCR 5695

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5695

In the matter of the application for identification as a
Mississippi Choctaw of John L. Roach.

F. A. Pierce attorney for applicant.

John L. Roach being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A J. L. Roach.
Q What does the J. stand for? A John.
Q R-o-a-c-h? A Yes, sir.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Corsicana.
Q What state? A Texas.
Q How long have you lived in Corsicana? A About three months.
Q Where were you born? A In Kentucky.
Q How long did you live in Kentucky? A Only a short time.
Q Where in Kentucky were you born? A I don't know.
Q From Kentucky you went where? A Missouri.
Q How long did you live in Missouri? A Four years.
Q Then you went where? A Texas.
Q Have you lived in Texas ever since? A Yes, sir.
Q Corsicana all the time? A No, sir; but in the same County.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A James S. Roach.
Q What is the name of your mother? A Jane Roach.
Q Through which parent do you claim Choctaw blood? A Through
my mother.
Q How much Choctaw blood do you claim? A I suppose about one-
quarter.
Q Has your mother ever been enrolled or recognized as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in Indian Territory? A Yes; she has been enrolled.
Attorney: She has made application to be identified as a Mis-
sissippi Choctaw.
Q When you say she has been enrolled you mean she made application
to be identified as a Mississippi Choctaw? A Yes, sir.
Q You never have been placed on the Choctaw tribal rolls in the
Indian Territory? A No sir.
Q When was your mother before the Commission to be identified as
a Mississippi Choctaw? A I think it was in March some time? A
Q This last March? A Yes, sir.
Attorney: March 14, I think it was.
Q What is your wife's name? A Melissa.

- Q She is living? A Yes, sir.
 Q Is she a white woman? A Yes, sir.
 Q You make no claim for her? A No, sir.
 Q You have no children? A No, sir.
 Q Claim for your self alone? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities, or the Dawes Commission at any time before this present application? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
 Q You understand that article? A Well I think I do Yes sir.
 Q You don't care for a further explanation? A No, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted in any way to comply with any of the provisions of article fourteen of the treaty of 1830? A No, sir I don't know.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A McClure.
 Q What is the full name? A I could not tell you.
 Q Man or Woman? A It is a man.
 Q Grandfather or great grandfather? A My great grandfather.
 Q How much Choctaw blood did he have? A Well sir; I don't know.
 Q Do you know the name of his wife? A No, sir.
 Q Did he live in Mississippi in 1830? A Yes, sir.
 Q Did he have children living with him then? A Yes, sir.

#3

- Q You claim he was the head of a family in Mississippi in 1830? A Yes, sir.
- Q You don't know how much Choctaw blood he had? A No, sir.
- Q How do you know he lived in Mississippi and was the head of a family at that time? A From what my mother said.
- Q You got it from your mother? A Yes, sir.
- Q She is the Jane Roach who made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q You want to have your case consolidated with your mother's case? A Yes, sir.
- Q Have you any other relatives who have also appeared before the Commission to be identified? A I don't know none,--a niece.
- Q What is her name? A Ida Ellison.
- Q Any other relatives that you know of? A None that I know of.
- Q Would you like to have your relatives who have made application and who claim through the same common ancestor would you like to have their cases considered with yours? A Yes, sir.
- Q How old would this great grandfather be if living now? A No, sir I don't know.
- Q You never heard his first name? A No, sir.
- Q Did he have a Choctaw Indian name? A I could not say.
- Q Did he speak the Choctaw language? A From what my mother said about it.
- Q Did she say he spoke Choctaw? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of States? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that they did.

In 1837 and also in 1842, by various acts of Congress Commissions were appointed which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because Colonel Ward the United States Indian Agent in 1831, within six months after the ratification of the treaty of 1830 neglected to put the names of a great many Choctaw Indians on his registry list. Their names afterwards failed to appear upon any list made by him and his neglect in not properly registering the names of these Indians caused a good many who had land in the old Choctaw Nation to have that land taken from them and sold by the government at its public land sales, although it was shown before the Commission of 1837 as well as the Commission of 1842 afterwards that these Indians did go before Colonel Ward and make proper application to him under article fourteen of the treaty of 1830.

- Q Do you know what or any of your Choctaw ancestors appeared before either of these two Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government or certificates which entitled them to select land either in Mississippi, Alabama, Louisiana or

#4

Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A No, sir.

Q Do you speak the Choctaw language? A No, sir.

Q Have you any evidence you want to introduce now? A No, sir.

Attorney; We want fifteen days time.

Commissioner; Fifteen days time is allowed this applicant in which to file proper evidence or testimony in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium fair complexion, somewhat tanned; dark brown hair; light brown mustache. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12 day of June 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, December 2, 1902.

John L. Roach,
Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Jane Roach, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Jane Roach,	M.C.R. 5058
Ida May Ellis, et al.,	" 5059
Sallie C. Jackson, et al.,	" 5191
John L. Roach,	" 5695

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Jane Roach, ~~Ida May Ellis~~, Ethel Marie Ellis, Sallie C. Jackson, James Lee Jackson, Henry Franklin Jackson, George Alfred Jackson, Go Cora Pearl Jackson, Ida Elizabeth Jackson, Ada Jackson, Katie Jackson, Eddie Miller Jackson and John L. Roach as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dixby

Acting Chairman.

Registered.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN FULLY IN THE FOLLOWING.

M C R 5695

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 14, 1903.

John L. Roach,
Corsicana, Texas.

Dear Sir:

You are hereby notified that on June 20, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Jane Roach et al., of which decision you were advised by registered mail on the second day of December 1902.

Respectfully,


Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

MAY 28-1902

Name

John L. Roach

Age

37

Blood

1/4

Post-Office,

Corrigan, Texas,

Father:

James S. Roach

C

Mother:

Jane Roach,

C

Claims through

mother

wife -

Melissa Roach, C. W.

No claim for wife -

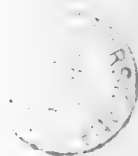
~~Children~~

Claims for self alone.

Stenographer

J. Rosenmeyer

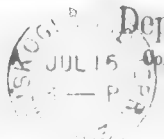
RECEIVED



General Office M.C.R.
I like that life of the Commission
Commissioners Division

John H. Smith,

Commissioner, Indian.



Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Choctaw MCR 5696

Lura M. Mitchell

See MCR 5447

MCR 5696

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5096

In the matter of the application for identification as Mississippi Choctaws of Lura M. Mitchell for her self and her six minor children, Steven Curtis and Medie May Terry, and Mattie Belle, Ida, Willie Thelma and Estella Mitchell.

F. E. Pierce attorney for applicants.

Lura M. Mitchell being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Lura M. Mitchell.
Q What is your P.O? A Ringgold, Texas. Q What is your age? A 35
Q How long have you lived in Texas? A I have been there in Texas about twenty-nine years.
Q Where were you born? A In Missouri.
Q Did you go from Missouri to Texas? A Yes sir.
Q Where in Missouri did you live? A In Barry County.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A John Clark.
Q What is your mother's name? A Laura L. Boucher.
Q Has she married again? A Yes, sir.
Q Divorced from your father? A Yes sir.
Q When was she divorced from your father? A It has been twenty eight years ago, when I was a small child.
Q Did she get the divorce? A No my father got it.
Q In what Court do you remember? A It was in Denton County.
Q Do you claim Choctaw blood through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A I can't tell you.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States Authorities in Indian Territory? A No, sir.
Q Has she ever been enrolled in any manner? A She was here and made application as a Mississippi Choctaw?
Q You mean she has made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q Under the name of Laura L. Boucher? A Yes sir.
Q When did she appear before the Commission? A I believe the first day of May.
Q This year? A Attorney; Yes, sir.
Q Are you married? A Yes sir
Q What is your husband's name? A George Mitchell.
Q He is living? A Yes, sir.
Q White man? A Yes, sir.
Q You don't make any claim for him then? A No, sir.

#2

- Q How many children under age and unmarried have you? A Six.
Q Give me the name of the oldest? A Steven Curtis.
Q Steven Curtis Mitchell? A Terry.
Q How old is this child? A Thirteen.
Q What is the name of the next? A Media May Terry.
Q How old is that child? A Eleven.
Q Girl? A Yes, sir.
Q What is the name of the next? A Mattie Belle.
Q Mitchell? A Yes, sir.
Q How old? A Six.
Q Next? A Ida Mitchell?
Q How old? A She is five.
Q Next? A Willie Thelma. W-i-l-l-i e--T-h-e-l-m-a.
Q That a girl? A Yes, sir.
Q How old is she? A Three.
Q Next? Estella Mitchell.
Q How old? A Eight months.
Q Is George Mitchell your second husband? A Yes, sir.
Q What was the name of your first husband? A Lee Terry.
Q Was he a white man? A Yes, sir.
Q Is he living? A No, sir; he is not.
Q When did he die? A In the year 1891 September 11th.
Q Was Lee Terry the father of Steven Curtis, and Media May? A Yes, sir.
Q They claim no Choctaw blood from him? A No, sir.
Q And these other children Mattie Belle, Ida, Willie Thelma and Estella are all the children of George Mitchell your present husband? A Yes, sir.
Q They claim no Choctaw blood from him? A No, sir.
Q All these children claim their Choctaw blood from you? A Yes, sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children previous to this application which you are now making? A No, sir.
Q This is your first? A Yes, sir; my first.
Q Neither you nor your children ever have been enrolled as Choctaw Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws? A Yes, sir.
Q You claim under article fourteen of the treaty of 1830? A I don't know.
Q You don't understand the treaty of 1830 of that article fourteen? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830 and was made for the purpose of removing the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation.

Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interest of those Choctaw Indians who stayed back there this article fourteen was put into the treaty. Article fourteen is a part of the treaty of 1830 that relates especially to the applicants now known as Mississippi Choctaws. It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now you understand that well enough to claim under it? A Yes, sir.
- Q Do you know if any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of that article? A No, sir; I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather's name was John Lively.
- Q L-i-v-e-l-y? A Yes, sir.
- Q How much Choctaw blood did he have? A I can't tell you.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know whether he did or not.
- Q Did you ever hear that any Choctaw ancestors or yours lived in the old Choctaw Nation in Mississippi in 1830 and were the head of a family there then? A I heard my mother say so.
- Q Who did she say lived there and was the head of a family? A I don't remember her giving any names.
- Q Did John Lively live in Mississippi? A I don't know.
- Q Ever live in Alabama? A I don't know.
- Q You don't know of any Choctaw ancestor of yours who ever lived there? A No, sir; I don't.
- Q You understand that it is necessary for you to show that some ancestor of yours lived in Mississippi or Alabama? A I can't tell you.
- Q But you don't know any such ancestor now? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them own any land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, I guess not.

#4

- Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A Good many Choctaw Indians did this whose names Colonel Ward failed to place upon his register known as Ward's list. His failure to make a proper record of these names caused a good many Indians who held land in Mississippi. It was taken from them by the government and sold at its public land sales. So many complaints were made on account of this action of the government that in 1837 as well as in 1842 by various acts of Congress Commissions were appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. They went to Mississippi and made lists of the names of all Choctaw Indians who appeared before them.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians? A No, sir; I do not.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.
- Q This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to those Indians who proved their rights under article fourteen and also further proved that they had their land taken from them by the government and sold. You never heard that any of your ancestors received any of this scrip? A No, sir; I did not.
- Q Do you want your case and the case of your mother Laura L. Boucher considered together in order that you may get the benefit of her testimony? A Yes, sir.

Reference is here made to Laura L. Boucher M.C.R. 5447.

- Q Have you any other relatives who came before the Commission besides your mother? A No, sir.
- Q Have you any other proof you want to submit now in support of your claim? A No, sir I believe not.
- Q You care for any time in which to introduce other testimony in this case? A

Attorney; Yes, fifteen days.

Fifteen days time is allowed this applicant in which to introduce other proof, if she desires, in support of her claim.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more you want to say in support of this claim? A By attorney; No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has dark brown eyes;

#3

medium fair complexion; light brown hair. She has no knowledge of the Chectaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 4 day of June 1902.

Charles Rosenwinkel

Notary Public.

COPY

Muskogee, Indian Territory, December 1, 1902.

Lura M. Mitchell,
Ringgold, Texas.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura L. Boucher, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura L. Boucher, et al.,	M.C.R. 5447
Lura M. Mitchell, et al.,	M.C.R. 5696

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura L. Boucher, Galard Boucher, Reuben Boucher, Lura M. Mitchell, Steven Curtis Terry, Medie May Terry, Mattie Belle Mitchell, Ida Mitchell, Willie Thelma Mitchell and Estella Mitchell, as Choctaw Indians

L M M 2

entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Kirby
Acting Chairman.

Registered.

K.O.R. 5696.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Laura M. Mitchell,

Ringgold, Texas.

Dear Madam:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura L. Boucher, et al., of which decision you were advised by registered mail on the first day of December, 1902.

Respectfully,

Tame Dixie.
Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED IN REPLY TO THE FOLLOWING

M. C. R. 5696

Muskogee, Indian Territory, December 19, 1902.

Lura M. Mitchell,
Ringgold, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th inst., relative to the decision of the Commission in your case. You state that you employed Dr. Richard Le May to represent you and pay for the proof; that he has done nothing, and you ask for additional time within which to submit further evidence.

In reply, you are informed that the fifteen days from December 1, 1902, granted you within which to file arguments in support of your claim, to be forwarded to the Secretary of the Interior, expired on December 16, 1902. On December 17, 1902, the record in your case was forwarded to the Secretary of the Interior. You will be duly notified of any action taken by him.

Respectfully,


Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name Lura M. Mitchell

Age 35

Blood Int. known.

Post-Office, Ringgold, Tex.,

Father: John Clark, l

Mother: Lura L. Boucher, l

Claims through mother

husband - 2nd

George Mitchell, l. w.

No claim for husband,

husband (1)

Lee Perry - w. (d) father of 2

Children:

oldest children

Steven Curtis Perry, 13

Medie May " F 11

Mattie Belle Mitchell, 6

Ida

"

5

Willie Thelma " F. 3

Estella

"

8 m

Claims for self and
6 children

Stenographer G. R. R. R.

2696



Transmitted to the UNITED STATES.

FILED

JAN 28 1903

[Signature]

ACTING CHAIRMAN



Handwritten mark

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Lura M. Mitchell,

Ringgold, Texas.

~~*Handwritten signature*~~

Choctaw MCR 5697

Zachariah Hooper

MCR 5697

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Zachariah Hooper, et al.,
for identification as Mississippi Choctaws, M.C.R. 5697.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Zachariah Hooper, et al.

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Original application of Zachariah Hooper, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
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Decision of the Commission refusing the ap- plication of Zachariah Hooper, et al., for identification as Mississippi Choctaws-----	8

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5697

In the matter of the application for identification as Mississippi Choctaws of Zachariah Hooper for himself and his four minor children, Anna, Nettie, Ellsworth and Woodley Hooper.

Applicant not represented by attorney.

Zachariah Hooper being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Zachariah Hooper, Z-a-c-h-a-r-i-a-h--
H-o-o-p-e-r.
- Q What is your age? A I am fifty-nine.
- Q What is your post office address? A Kiowa, Kansas.
- Q How long have you lived at Kiowa? A More or less about seven-
teen years.
- Q Where did you live before that? A Texas.
- Q Were you born in Texas? A No, sir.
- Q Where were you born? A Benton, County, Alabama.
- Q How long did you live in Alabama? A Eight years.
- Q From Alabama you went where? A Ohio.
- Q And you lived in Ohio how long? A Until I was grown.
- Q That was how long? A Until I was Twenty-three years old.
- Q Then you went where? A Back to Texas.
- Q Lived there how long? A More or less eighteen years.
- Q Then you went where? A Then I came up to Kansas.
- Q And have lived there ever since? A Yes; lived there ever since.
- Q Is your father living? A No, sir.
- Q Is your mother living? A No, sir.
- Q What was your father's name? A John Hooper.
- Q What was your mother's name? A Harriet Turner; that was her
maiden name.
- Q She died a Hooper? A No, sir; she married a second time.
- Q What was her name when she died? A White.
- Q Through which parent do you claim Choctaw blood? A My mother
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by the Choctaw tribal au-
thorities or the United States authorities in Indian Territory?
A Not that I know of.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q White woman? A Yes, sir.
- Q Not a Choctaw? A No, sir.
- Q What is her name? A Martha Elvira Hooper.
- Q You make no claim for your wife? A Do I?
- Q She has no Choctaw blood? A If I am allowed to I will.
- Q The only authority which empowers the Commission to hear these
applications is contained in the twenty-first section of the
act of Congress of June 28th 1898, otherwise known as the Curtis

Act which states that the Commission may hear the applications for identification as Mississippi Choctaws of those who claim to be Choctaw Indians claiming their rights as being descendants of Choctaw ancestors, under article fourteen of the treaty of 1830?

- A Well she is not.
- Q Then you don't make any claim for her? A No, sir.
- Q There is no provision to hear applications of anybody that claims as an intermarried Mississippi Choctaw; now then give me the names of your children under one and unmarried beginning with the oldest? A Anna, A-n-n-a.
- Q Anna Hooper? A Yes, sir.
- Q How old is Anna? A She is twenty.
- Q Not married? A No, sir.
- Q What is the name of the next? A Nettie.
- Q How old? A She is seventeen.
- Q Next? A Ellsworth, E-l-l-s-w-o-r-t-h.
- Q How old? A He is eleven.
- Q Next? A Woodley, W-o-o-d-l-e-y.
- Q Boy? A Yes, sir.
- Q How old is Woodley? A Woodley is five.
- Q You claim for yourself and these children do you? A Yes, sir.
- Q Is Martha E. Hooper the mother of these children? A Yes, sir.
- Q Is your wife and are these children living with you at your home? A Yes, sir.
- Q When and where were you married to her? A I was married to her at Marysville, Cook County, Texas.
- Q What day of the month and year? A Twenty-first of December; it was when I was thirty years old and I am fifty-nine now.
- Q That was in seventy-three then? A I guess so.
- Q Have you proof of that marriage with you now? A I have it at home.

The Commission will allow you fifteen days time in which to send the proof to the Commission of your marriage with your wife; also, you will be allowed that time in which to furnish any other evidence, if you want to, in support of your case.

- Q Now then is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A Not to my knowledge.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission, for yourself and children, under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for yourself and children for enrollment as Choctaw citizens to any authority, either the Choctaw tribal authority or the United States authority previous to your present application? A Nothing more than that I wrote to Washington where and how to get this proof.
- Q You have never appeared before any authority at all to testify?
- A No, sir.
- Q You have never been enrolled as a member of the Choctaw tribe by any authority? A No, sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I heard it several times.

#3

- Q You think you understand it without any further explanation? A
A I don't think I would understand it any better if I heard it
again.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied or attempted to comply in any way with the provisions of article fourteen of the treaty of 1830? A My mother said so.
- Q What did she say about her ancestors complying with that article of that treaty? A I understood that they went.
- Q Went where? A Went with the treaty, with the people.
- Q You mean went with the people when they came to the Choctaw Nation Indian Territory? A Yes, sir.
- Q They did not stay in Mississippi or Alabama and went to Colonel Ward? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A James Turner my mother's father.
- Q Your maternal grandfather? A Yes; grandfather on my mother's side.
- Q Your mother's father? A Yes, sir.
- Q How much Choctaw blood was he? A She said that her grandfather James Turner was a full blood Choctaw.
- Q How much Choctaw blood did your grandfather have? A He would certainly be one-half.
- Q Did he live in the Choctaw Nation in Mississippi or Alabama in 1830, seventy-two years ago? A That is what my mother said.
- Q That he lived there in 1830? A Yes, sir.
- Q Where did he live in Mississippi? A I don't know whether it was in Mississippi or Alabama; she said she was born in Plymouth North Carolina.
- Q Do you know whether James Turner your grandfather lived in Mississippi in 1830 or in Alabama, in the old Choctaw Nation and was the head of a family there then? A Only through my mother.
- Q Did she say so? A Yes, sir.
- Q She said he lived in Mississippi or in Alabama? A She said she was born in North Carolina.
- Q Did she tell you her father lived in Mississippi or in Alabama in 1830 and had a family there then? A She did not tell me that.
- Q You don't know where James Turner was living in 1830; was James Turner living in North Carolina when your mother lived there; was he born in North Carolina? A I don't know.

#4

- Q Was your mother married and lived in North Carolina in 1830?
A No, sir; she said that John Hooper married her and took her to Alabama.
- Q How old would your mother be if living now? A She would be eighty.
- Q Born where? A In North Carolina.
- Q Eighty years ago? A Eighty years ago.
- Q Her father's name was what? A James Turner.
- Q So that when your mother was born James Turner was living in North Carolina? A I could not swear.
- Q Well her mother was living in North Carolina? A She must have been.
- Q You think James Turner her husband was living there at that time? A I think so; I don't know.
- Q You don't know how old James Turner would be if living now? A No, sir.
- Q Did your mother ever live in Mississippi? A Since I reflect I think she said that her father went from Mississippi to Alabama.
- Q You know when he went from Mississippi to Alabama? A No, sir.
- Q You don't know really where he was in 1830? A I could not say.
- Q You don't know of any Choctaw ancestor who did live in Mississippi or Alabama in 1830 and had a family there then? A I was not born.
- Q Did you ever hear? A No, sir.
- Q You don't know where they were living in 1830? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation East of the Mississippi River under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation under the treaty of 1830? A I think they did because my mother said they lived there.
- Q You don't know about that? A No, sir; of course I could not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I think my mother said they did.
- Q Who went? A I don't know.
- Q Did your mother say who of your ancestors went? A Her people.
- Q Did she name anybody in particular? A That is the best I can say.
- Q Did her father go? A She worded it that her people went.
- Q Did her father go? A She said her people; I suppose that would take in her father.
- Q Did she say her people went there between 1833 and 1838? A Well that would be after she married.
- Q Did she tell you what year they went? A No, sir.
- Q Did she say they were removed by the United States government at its expense? A No, sir.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required under article fourteen of the treaty of 1830 to

go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi and Alabama to lose the land which they held in that old Choctaw Nation for the government took it from them with the improvements upon the land and sold it at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 an act approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claims under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved August 23, of the year 1842; this Commission also went to Mississippi and heard claims under article four of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before these Commissions, either of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians under that article of that treaty? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.
- Q This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that they had at one time occupied land in the old Choctaw Nation which the government had taken from them and sold. Now have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A I think my brother has but I don't know.
- Q What is his name? A William Hooper.
- Q Is William Hooper your brother, the same person who made application to be identified as a Mississippi Choctaw, number 2280? A I don't know; but I understood he made application.
- Q He claims through James Turner and he must therefore be some relative of yours? A Yes; I suppose it is my brother.
- Q Do you speak the Choctaw language? A Just a little.
- Q You don't understand it much? A No, sir.
- Q What you picked up here and there; you can't speak to a Choctaw Indian? A No, sir; I can speak just a little.
- Q Have you any other evidence you want to introduce now; is this your witness? (indicating Ben Summit)? A Yes, sir.
- Q You want to call this man as a witness in your case? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has no knowledge of the Choctaw language except a few words.

- Q What was your hair formerly? A Black.

His hair is now close cut and gray; he claims black formerly; his eyes are brown and gray; he has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Benjamin Summitt called as a witness in support of this application after being first duly sworn testifies as follows:

Examination by the Commission.

- Q Your name is what? A Benjamin Summitt.
 Q What is your age? A Eighty.
 Q What is your post office address? A Ardmore, Indian Territory.
 Q Are you a member of the Choctaw tribe of Indians? A I am.
 Q Are you a full blood Choctaw Indian? A I am; my father and mother were full bloods I come from them.
 Q Did you use to live in Mississippi? A Yes; I was born and raised there.
 Q Where were you raised? A In Pontiac County.
 Q You mean Pontotoc County? A Yes, sir.
 Q How old were you when you left that state? A I was old enough to be a soldier; I have not been back since then.
 Q When did you come to the Territory; how long ago? A 1880, well I came to the Territory before that but I did not live here then.
 Q What do you know about Zachariah Hooper this applicant having Choctaw blood? A Well he is a full blooded Choctaw.
 Q No; this applicant here? A Well I don't know anything about him but I know his grand parents.
 Q You know James Turner? A Yes, I knew him; I did not know anything about this applicant.
 Q How much Choctaw blood did James Turner have? A Full blood Judge
 Q Where did he live? A Half a mile from me.
 Q How old were you when you knew him? A From ten to twelve or fifteen years; I might have been eighteen years old.
 Q How do you know that the James Turner whom you knew in Mississippi is this man's grandfather? A He told me, the same identical man.
 Q You know there was a man of the name of James Turner? A Yes; I knew him.
 Q And he said he had a grandfather whose name was James Turner and you presume it is the same one? A Yes; I presume it is the same one; I just went from what he said; he described him and his description of him fits exactly..
 Q How much Choctaw blood did James Turner have? A Full Choctaw.
 Q Mr. Hooper the claimant says that James Turner was a half Choctaw? A Well he don't know anything about it because this man was a full blood.
 Q It might have been a different man then? A I don't know only from the way he described him.
 Q How old was this man James Turner that you knew? A He must have been about twenty-five or thirty years old when I knew him.
 Q You were about twelve? A Well, about fifteen or eighteen.
 Q You are now eighty? A Yes, sir.
 Q This man James Turner was at least ten years older than you? A Yes, sir.
 Q Was he married when you knew him? A Yes; he was married.
 Q You knew him about seventy years ago? A That is he had a woman I don't know whether he was married; I could not swear to that you know.
 Q What do you know about this man whom you know in Mississippi complying with article fourteen of the treaty of 1830? A Well I think in 1830, that is was talking about coming to the Territory here; I was an orphan boy, my father and mother died, and I was talking about coming with him to the Territory.

#7

- Q Did he go? A I guess he did; he went away.
Q But you don't know whether he came to the territory? A He went away; I don't know whether he came to the Territory.
Q What time did he go away? A About 1830, 1833, or 1834.
Q But you don't know where he went to? A No, sir; I don't know where he went to.
Q Did James Turner have any nick-name, or any other name than James Turner? A Not that I know of.
Q Did not have any Choctaw name? A No, sir.
Q Did he speak the Choctaw language? A Yes, he talked with me Choctaw; I seen him at Dances and one thing another, I was a great Dancer.
Q What was the name of his wife? A I don't know.
Q Did he have any children in 1830? A I don't know.
Q Or after that; at all? A I don't know.
Q Did he own any land which he received from the government? A He said he did.
Q You never saw it? A No, sir; I did not.
Q Did he get that land from the government? A I don't know whether he did or not.
Q Did he ever go before Colonel Ward and tell him he wanted to stay in Mississippi, take land there and become a citizen of States? A I can't tell anything about that.
Q You don't know about the Commissions of 1837 or 1842? A No, sir.
Q Or whether he went before either? A No, sir; I don't know.
Q All you undertake to swear to is that you knew a man James Turner and that he seemed to be a full blood Choctaw Indian and that he lived in Pontotoc County Mississippi, and that this applicant told you that he had a grandfather named James Turner but you don't know that this is the same James Turner? A I don't know; it may be and may not.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 29th day of May 1902.

Charles H. Schell
Notary Public.

Coll.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Zachariah Hooper, et al.,
for identification as Mississippi Choctaws, M.C.R. 5607.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Zachariah Hooper for himself and his four minor children, Anna, Nettie, Milworth and Woodley Hooper, under the following provision of the act of Congress approved June 25, 1895 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being de-

descendants of one James Turner who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authority as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Turner, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zachariah Hooper, Anna Hooper, Nettie Hooper, Ellsworth Hooper and

Woodley Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tams Bixby.

Acting Chairman.

WITNESSED

T. B. Needles.

Commissioner.

WITNESSED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1907.

Kiowa Kans. June 7 1902

Dawls Commition

Muscogee, I.T.

Dear Sir I appeared Before Judge Charles H. Sawyer on May 28 to give in testimony prooveing aright in Chocktaw Nation & as I found I was Being Prosicuted I Honorably ask to with Draw the case on being my age I tolde him I was 59 & he turned to the short hand Doubting it & an being asked if I could Speak Chocktaw I tolde him I could a little he Looked at the short hand man & said it dont amount to anything on Being asked if James turner Complied with the Law in Liveing in Chocktaw nation I told him I thought he did as My Mother said he moved & he cut me for that.

Please accept & allow me to withdraw this case as I have another chance to Proove my Right

Yours in Respect

Zachariah Hooper

A.F. & A.M.

Miss. Choctaw Rb697

Muskogee, Indian Territory, June 10, 1902.

Zachariah Hooper,

Kiowa, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7,
in which you state that you desire to withdraw your application for
identification as a Mississippi Choctaw, made on May 28, 1902.

Yours truly,

COPY.

Muskogee, Indian Territory, October 30, 1902.

Zachariah Hooper,

Kiowa, Kansas. — *Received this address Dec 27/02*

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Zachariah Hooper, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zachariah Hooper, Anna Hooper, Mattie Hooper, Ellsworth Hooper and Woodley Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

X X X

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 30, 1902.

Manfield, McBarry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Zachariah Hooper, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1900 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zachariah Hooper, Anna Hooper, Nettie Hooper, Ellsworth Hooper and Woodley Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

N. M. & C. 2

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dixby,
Acting Chairman.

COPY.

M C R 5697

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Zachariah Hooper, et al., applicants to the Commission for identification as Mississippi Choctaw, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of William Hooper, et al., decision in which was rendered by the Commission on March 3, 1902, and approved by the Secretary on April 19, 1902.

Respectfully,

James D. Smith

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure. M.C.R. 5697

Land
69035--1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Zachariah Hooper, for himself and his four minor children, Anna, Nettie, Ellsworth and Woodley, for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission October 30, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from James Turner, who is alleged to have been a member of the Choctaw tribe of Indians in Mississippi in 1830, through his daughter, Harriett Hooper Nee Turner.

An examination of the records of this office discloses the fact that the name of James Turner or Harriett Hooper nee Turner, do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842. It is therefore respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C.(E.)

(COPY)

D.C.No.4820-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD.1158-1903.

February 18, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Zachariah Hooper and his minor children, Anna, Nettie, Ellsworth and Woodley Hooper, including your decision of October 30, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one James Turner, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said James Turner or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 31, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no error in your decision and it is therefore affirmed.

Respectfully,
(Signed)

Thos. Ryan,
Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Zachariah Hooper, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

W. G. N. E.

Wm. D. D.
Chairman.

M.C.R. 5697

Muskogee, Indian Territory, February 28, 1903.

Zachariah Hooper,
Kiowa, Kansas.

Dear Sir:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Zachariah Hooper, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

Tamm
Chairman.

No. 5697

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name *Zachariah Hooper.*

Age *59* - Blood *'18*

Post-Office, *Hiowa, Kansas.*

Father: *John Hooper d*

Mother: *Marriex White, d*

Claims through *Mother*
wife Martha Hooper l. w.
No claim for wife.

Children:

<i>Anna Hooper.</i>	<i>20</i>
<i>Nettie</i>	<i>17</i>
<i>Ellsworth</i>	<i>10</i>
<i>Woodley</i>	<i>5</i>

Claims for self & minor

Stenographer

H. Rosemeyer

Choctaw MCR 5698

Adella C. Hardin

See MCR 4006

MCR 5698

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5698

In the matter of the application for identification as Mississippi Choctaws of Adella Caroline Hardin for herself and her two minor children Ollie Caroline, and Clyde Abraham Hardin.

Applicants represented by attorney J. G. Ralls.

Adella Caroline Hardin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Adella Caroline Hardin.
Q What is your age? A Forty-nine.
Q What is your post office address? A Okolona.
Q Arkansas? A Yes, sir.
Q How long have you lived there? A I have lived there eleven years.
Q How long in Arkansas? A I have lived in Arkansas something near twenty-two years, I don't know exactly just the time but something about twenty-two years.
Q Where were you born? A In Mississippi; Choctaw County, Mississippi.
Q Lived there how long; about sixteen years? A Yes, sir.
Q Then you went where? A North Mississippi.
Q From there where? A Into Arkansas.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A John Brashar Dumas.
Q What was your mother's name? A Caroline Dumas.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A I don't know.
Q Have you proof of the marriage of your father and mother with you? A Not with me but the proof is obtainable.
Q There have been quite a good many of the Dumas family who have made application to be identified as Mississippi Choctaws? A A I guess they have.
Q Proof of the marriage of your father and mother has that been filed in any application do you know? A I don't know.

By attorney: I guess not.

Commission: How much time do you want?

By attorney: Fifteen days.

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Commission:

Fifteen days time from date hereof is allowed this applicant in which to introduce proof of the marriage of her father and mother.

- Q Do you know when and where they were married? A I can't tell you positively but I think at Fayetteville, Alabama.
- Q You remember the day of the month and year? A I don't remember.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What is your husband's name? A Matt Hardin.
- Q Living? A Yes, sir.
- Q Is your husband a Choctaw Indian? A Not that I know of; he don't claim any Indian blood.
- Q You make no claim for him as an Indian? A No, sir.
- Q How many children under twenty-one years of age and unmarried have you? A I have two.
- Q What is the name of the oldest? A Her name is Ollie Caroline Hardin.
- Q She is how old? A Ten years.
- Q What is the name of the next? A Clyde Abraham Hardin.
- Q How old is Clyde Abraham? A Seven years old.
- Q Is Matt Hardin the father of these children? A Yes, sir.
- Q You and your husband and the children all living together at your home? A Yes, sir.
- Q Was he ever married or were you ever married previous to your marriage with each other? A Yes; we were both married.
- Q Have you any other children for whom you want to make application? A No, sir.
- Q Is your name or the name of any of your minor children on any of the tribal rolls of the Choctaw nation in Indian Territory? A Not that I know of.
- Q You never lived in Indian Territory did you? A No, sir; never did.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 18 6? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children under any authority either the United States authority or the Choctaw tribal authority previous to this application you are now making? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now want to identify yourself and your children as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir; Yes, sir.
- Q You understand that article of that treaty? A Yes, I think I understand it.
- Q You had it explained to you? A Yes, sir.
- Q So that you don't care to have any further explanation? A I think I understand it very well.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty did they do any of those things that are mentioned there in that article? A Do you mean, you want to find out if any of them ever registered under that. I think from family history from what I find out that our grandmother registered.
- Q What was your grandmother's name? A Elizabeth Brashear; her married name was Dumas.
- Q She married whom? A Elhanan W. Dumas.
- Q Was Elhanan W. Dumas a white man? A Yes, sir.
- Q How much Choctaw blood did Elizabeth have? A I understand one-quarter.
- Q Did she live in Mississippi in the old Choctaw Nation in 1830? A I don't know.
- Q Do you know whether she lived in the old Choctaw Nation in Alabama? A I think it is possible she did.
- Q Did she live there in 1830 and was she the head of a family there then? A I think so.
- Q Do you know anything about how many children she had in Alabama in 1830? A Some I think; I know some..
- Q Living there in 1830 I mean? A No, sir; I don't know.
- Q Did she within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A I don't know.
- Q Did she own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did she claim any improvement or own any improvements on land in the old Choctaw Nation in the year 1830 at the time that treaty was made? A I don't know.
- Q Did she go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know; I guess not.
- Q Did she have an Indian name? A Well I don't think it is an Indian name.
- Q Did she speak the Choctaw language? A I don't know.
- Q How old would she be if living now? A I can't tell you.

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- Q You claim through your father John Brashear Dumas? A Yes, sir.
Q Do you spell that B-r-a-s-h-e-a-r or is there an "s" on it? A I believe you leave off the "s".
Q But Elizabeth Brashears maiden name had an "S" on it? A I don't know.
Q A good many applicants spell it with an "S"? A I spell it B-r-a-s-h-e-a-r.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward the Indian Agent neglected to put upon his list known as Ward's register. His failure to make a proper registration of all Indians who came before him under article fourteen caused a good many Indians to lose their land in the old Choctaw Nation; the government took it from them and sold it at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act of Congress approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.
Q Did you say that you understood that Elizabeth Brashear or Elizabeth Dumas or anybody for her went to Colonel Ward, the United States Indian Agent within six months from the ratification of the treaty of 1830 and attempted to register with him? A No, sir; I did not understand that; did I say that.
Q I don't know; did you not say it? A I don't think I did.
Q You don't know anything about that? A I told you awhile ago that I understood that she went to register from family history but I don't know what time.
Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.
Q This scrip or certificates was issued under an act of Congress approved August 23, 1842, and entitled the holder to select land in the place of land which they had once occupied in the old Choctaw Nation and which the government had taken from them and sold; but you never heard whether any of your ancestors received any? A No, sir.
Q Have you any relatives who have previously come before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor? A Yes, sir.
Q Will you give me the name of some applicant who has come before the Commission? A Carry Mc Connico and Scott S. Dumas and Robert W. Shipp.

Reference is here made to Scott S. Dumas, et al., M.C.R. 4006.

- Q You want to have the cases of all these applicants who claim through the same common ancestor and who have made application

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to be identified as Missed ppl Choctaws considered with your case? A Yes, sir.

Q Do you talk Choctaw? A No, sir; I don't understand it well enough to speak in a crowd.

Q Have you any other evidence you want to present to the Commission at this time? A No, sir; I believe not.

Examination by attorney Ralls.

Q Have you any married children? A Yes; one.

Q What is her name? A Lula Smith.

Q She is here to make application? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brownish-gray eyes; she has brown hair; fair complexion. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 4 day of June 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONER
FAMUS BERRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. L. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NOTICE TO THE FOLLOWING

M. C. R. 5698.

A PRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Adella Caroline Hardin,
Okolona, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6842
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gervanah A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Crenger, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenora W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Cannon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. S. S.)

James S. S.

Chairman.

Registered.

COPY.

MCR 5698

Muskogee, Indian Territory, January 22, 1906.

Adella C. Hardin,
Okolona, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

James H. Dixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name Adella C. Hardin.

Age 49 — Blood 1/16

Post-Office, Okolona, Ark.

Father: John Preston Thomas, d

Mother: Caroline " d

Claims through father —
~~Husband~~ Matt Hardin, l. w.
 No claim for husband

Children:

Ollie C. Hardin, 10.
 Clyde Abraham " 7

Claims for self
 and 2 children

Stenographer G. Roemmich



Choctaw MCR 5699

Lula K. Smith

See MCR 4006

MCR 5699

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5699

In the matter of the application for identification as Mississippi Choctaw of Lula K. Smith for her self and her minor child, Opal Smith.

J. G. Ralls attorney representing applicants.

Lula K. Smith being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lula K. Smith.
Q What is your age? A Thirty-two.
Q What is your post office address? A Bald Knob, Arkansas.
Q How long have you lived at Bald Knob? A About fifteen years.
Q Where did you live before that? A Carroll County, Arkansas.
Q Were you born in Arkansas? A No, sir; in Mississippi.
Q Where in Mississippi? A North Mississippi.
Q How long did you live in Mississippi? A I left there when I was very young.
Q And went to Arkansas? A Yes, sir.
Q Lived there ever since? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Monroe Morris.
Q What is your mother's name? A Adella Morris.
Q Adella C. Hardin is it not? A Yes; that is it now.
Q You claim through your mother do you? A Yes, sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I think not.
Q What is your husband's name? A K. W. Smith.
Q Is he an Indian? A No, sir.
Q White man? A Yes, sir.
Q Living? A Yes, sir.
Q You make no claim for him do you? A No, sir.
Q Have you any children under twenty-one years of age and unmarried? A One.
Q What is the name of that child? A Opal.
Q How do you spell that? A O-p-a-l.
Q Girl? A Yes, sir.
Q How old is that child? A Twenty months.
Q You claim for your self and this child do you? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Was your husband ever married or were you ever married previous to your marriage with each other? A My husband was but I was not.
Q You have no children except this one that you want to make application for? A That is all.

- This child living with you at your home? A No, sir.
- Q Have you ever made application for enrollment as a Choctaw citizen to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for yourself and child for citizenship in the Choctaw Nation at any time or to any authority previous to this present application that you are making now? A I have not.
- Q And you have never been enrolled as a Choctaw Indian either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't understand that.
- Q Do you know what a treaty is? A Hardly.
- Q You know what a contract in writing is? A Yes, sir.
- Q Well a treaty is the same thing; a contract or compact in writing but because it is made between Nations instead of individuals it is called a treaty. You will understand that if two persons or more can make a contract in writing that two or more Nations can also make a contract in writing and they do so continually.

Well, - such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of that treaty was to get the consent of the Choctaw

Indians to remove voluntarily from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Some of the Indians would not go, they refused to leave the old Choctaw Nation and would not become parties to the treaty at all. So, before the treaty was signed some provisions had to be put into the treaty for those Indians who wanted to stay back there in the old Choctaw Nation and they were provided for in article fourteen which was drafted and put into the treaty of 1830. An article in a treaty is just one of the subdivisions of it just the same as a verse is a part of a chapter. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
- Q Elizabeth Brashear.
- Q She married whom? A E. W. Dumas.
- Q E. W. Dumas? A I think so.
- Q He was a white man was he not? A Yes, sir.
- Q What was his business or occupation? A I don't know.
- Q How much Choctaw blood did Elizabeth have? A One-quarter.
- Q How do you know? A I really don't know I just heard of it.
- Q What you know about it is did you have heard in the family is it not? A Yes, sir.
- Q Did she live in Mississippi in 1830 in the old Choctaw Nation? A I don't know.
- Q I never heard about that? A I heard something about it. I don't know what it is.
- Q Can you recall whether you have heard that she lived in Mississippi in 1830 and had a family of children there then? A No, sir.
- Q In other words you don't know that she lived there in Mississippi in 1830 or not? A I don't know.
- Q Or that she lived in Alabama? A I don't know.
- Q How old would she be if living now? A I don't know.
- Q Did she have a Choctaw Indian name? A I don't know that.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 in the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

In 1837, under act of Congress approved March 3, of that year and also in 1842, under an act of Congress approved August 23, of that year, Commissions were appointed and these Commissions went to Mississippi and heard claims under article fourteen of the treaty of Dancing Rabbit Creek. The reason why these Commissions were appointed in 1837 and 1842 was because of the complaints of a great many Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama who claimed that they had gone before Colonel William Ward the United States Indian Agent within six months from the ratification of the treaty of 1830 and signified to him their desire to remain in Mississippi, take land there and become citizens of the United States, under the provisions of article fourteen of the treaty of 1830, but, Colonel Ward the Indian Agent had for some reason neglected or refused to enroll them as claimants who desired to register under that article of that treaty. His neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose them both; for the government took both and sold them at its public land sales. This caused a great many complaints and for that reason these two Commissions were appointed.

#4

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government or certificates which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had occupied in the old Choctaw Nation and which the government had taken from them? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842, have you any relatives who have been before this Commission to be identified as Mississippi Choctaws claiming through the same common ancestor? A Yes, sir.
- Q Who is Scott S. Dumas? A He is a cousin of mine.
- Q He has been before the Commission? A Yes, sir.
- Q A good many others whose names you don't recall at present? A Yes, sir.
- Q You want to have this application made by Scott S. Dumas and also the applications of all others claiming through the same common ancestor through whom you claim consolidated with your case and considered with yours? A Yes, sir.
- Q The application of Scott S. Dumas, et al., M.C.R. 4006, is here referred to for the purpose of consolidation.
- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; brown hair; fair complexion; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

Subscribed and sworn to before me this 4 day of June 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R5699

Muskogee, Indian Territory, June 12, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10,
inclosing certified copy of marriage license and certificate between
J. W. Z. Smith and Lula K. Morris, which you offer in support of the
application for identification as Mississippi Choctaws of Lula K.
Smith, et al. and the same has been filed with the record in this case

Yours truly,

Commissioner in Charge.

Miss. Choctaw R5699

Muskogee, Indian Territory, July 11, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 5, inclosing certificate of A. B. Bailey, Clerk of Circuit Court of Webster County, Mississippi, to the destruction of the marriage records of that county on January 12, 1874, and affidavits of J. J. Dumas and C. A. Dumas to the marriage of Monroe Morris and Adella Dumas, on October 29, 1867, which you offer as evidence of the marriage of the father and mother of Lula K. Smith, and ask to have the same filed in her application for identification as a Mississippi Choctaw. The same has accordingly been filed with the record in this case, and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5699.

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Lulu K. Smith,
Bald Knob, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Adu Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Dorelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Junie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lanon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Chairman.

Registered.

MCR 5699

Muskegee, Indian Territory, January 22, 1906.

Lula K. Smith,
Bald Knob, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

John H. Johnston

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name *Lula K. Smith*

Age *32*

Blood *1/32*

Post-Office, *Bald Knob, Ark.*

Father: *Monroe Morris, d*

Mother: *Adella C. Hordin, l.*

Claims through *Mother*
Husband K. W. Smith, w. l.

No claim for husband

Children:

Opal Smith, F. 20 m.

*Claims for myself &
1 child*

Stenographer *G. Rosemeyer*



Choctaw MCR 5700

Mary E. Carothers

See MCR 4006

MCR 5700

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5700

In the matter of the application for identification as Mississippi Choctaws of Mary E. Carethers, for herself, her daughter, Ida Blanche McClurg, an incompetent, and the three minor children of said daughter, Susie May, Ada Maud, and Monroe McClurg.

Applicants represented by attorney J. G. Ballis.

Mary E. Carethers being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary E. Carethers.
Q What is your age? A Sixty-six.
Q What is your post office address? A Jackson, Mississippi.
Q How long have you lived in Jackson? A Three years.
Q Where did you live before that? A Vaiden.
Q Have you always lived in Mississippi? A Ever since two years old.
Q Where did you live the first two years of your life? A In Alabama.
Q You were born in Alabama? A In Fayetteville, Alabama.
Q And removed to Mississippi at the age of two? A Yes, sir.
Q In what County is Fayetteville? A In Fayette County.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A John Brashear Dumas.
Q Is there an "S" in that Brashear? A No, sir.
Q What was your mother's name? A Caroline Dumas.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities, or the United States authorities in Indian Territory? A No.
Q Can you tell when and where your father and mother were married? A In Fayetteville, Alabama.
Q You remember the date? A Not exactly.
Q Were they married by a minister under a license? A Yes, sir.
Q Is your husband living? A No, sir.
Q Have you any minor children you want to make application for? A No, sir.
Q You just apply for yourself alone? A Yes, sir.
Q What was your husband's name? A Rev. J. E. Carethers, he was a minister.
Q He has been dead how long? A Eight years.
Q You have married children I presume? A Yes, sir.
Q How do you want to make application for any one besides yourself? A Yes, a daughter and three grandchildren.
Q Do you want to make application for a daughter who is married? A Yes, sir.
Q What is her name? A Ida Blanche McClurg.
Q How old is she? A She is forty-two.

#2

- Q What is her husband's name? A Monroe McClurg.
Q He is a white man? A Yes, sir.
Q Living? A Yes, sir.
Q Where is he? A He is in Jackson, Mississippi; he is attorney General.
Q You wish to make application for your daughter who is forty-two years of age and whose husband is Monroe McClurg for what reason? A Because she is incompetent.
Q She is in an asylum? A Yes, sir.
Q How long has she been? A For six years.
Q That is your reason for making this application and also the inconvenience of her husband coming here? A Yes, sir.
Q You think she is permanently incompetent? A I am afraid she is.
Q Are there any children of this daughter for whom you wish to make application? A There are three.
Q Will you give their names please? A Susie May.
Q How old is she? A Eighteen.
Q Next? A Ada Maud.
Q How old is Ada? A Sixteen.
Q Next? A Monroe? A He is ten.
Q These are all the children? A Yes, sir.
Q Where are these children living now? A In Jackson, Mississippi.
Q Are they living with their father? A Yes, sir.
Q You have not the custody of these children or are they living with you? A I am with them.
Q Your home is with them? A It is with General McClurg.
Q You claim one-sixteenth do you not? A Yes, sir.
Q You claim for your daughter Ida how much? A One-thirty-second.
Q For these children you claim one-half of that? A Yes, sir.
Q One-sixty-fourth? A Yes, sir.
Q When and where was your daughter married to her husband Monroe McClurg? A In Vaiden, Mississippi, in 1882.
Q Were they married by a minister and under a license? A Yes, sir.
Q Is your name or the name of your daughter Ida or the names of any of these grandchildren on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for your daughter or any of these grand children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and your daughter and these grandchildren under the act of Congress of June 10, 1896? A No, sir.
Q Is this the first application you have ever made for citizenship in the Choctaw Nation for yourself and daughter and grandchildren to any authority either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
Q You never have been admitted to citizenship in the Choctaw Nation? A No, sir.
Q Nor your daughter? A No, sir.
Q Nor any of her children? A No, sir.
Q By any authority whatever? A No, sir.
Q You now come before the Commission to be identified and for the identification of your daughter and her children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes, sir.
Q You understand that article? A I think I do.
Q You don't care to have it explained? A No, sir; I don't think it is necessary.

Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you not? A Yes, sir.
- Q Do you know of any of your Choctaw ancestors who complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I think from my history that my grandmother did.
- Q What was her name? A Elizabeth Brashear that was her maiden name and she was a Dumas afterwards.
- Q When did she marry? A E. W. Dumas.
- Q He was a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A One-quarter.
- Q Did she live in Mississippi in 1830? A No, sir.
- Q Did she live in Alabama? A She lived in the Choctaw Nation in Alabama.
- Q In 1830? A In 1830.
- Q Did she have a family of children living with her then? A Yes, sir.
- Q In other words was she the head of a family in 1830? A Yes, sir.
- Q How old would she be if living now? A I don't know; I think I have therecord that I can furnish later.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know but I suppose they did for my grandfather owned land in Alabama.
- Q Did you ever hear that they did? A Yes, sir.
- Q From members of the family? A Yes, my father.
- Q Do you know where these lands were located? A In Pickens County, Alabama near Mill Creek.
- Q Now did they hold land there under article fourteen of the treaty of 1830? A I don't know, about that.
- Q You don't know where they got that land? A No, sir.
- Q Or what they improvements were? A No, sir.
- Q Did any of your Choctaw ancestors to your knowledge within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No; I never heard.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and the improvements upon it. The government took both from them and sold them at its public land sales. It was taken because they were not entitled to hold land in the old Choctaw Nation unless they had registered and their names did not appear upon the registry list. It was the fault of the agent and they suffered on account of his neglect. Because of the complaints made by these Indians two Commissions were appointed, one in 1837 and another in 1842; the first under an act of Congress approved March 3, 1837 and the other under an act of Congress approved August 23rd 1842. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and if any Indian thought he had been wrongfully used by Colonel Ward he could make his complaint before the Commissions and these Commissions heard all of these claims and made lists of all who appeared before them. Some of those who appeared had their claims allowed and some had not.

- Q Do you know whether any of your Choctaw ancestors; whether Elizabeth Brackear or any Choctaw ancestor went before either of these Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir I don't know it.
- Q Did you ever hear anything about that from family history? A Yes, sir.
- Q Whether they went before these Commissions or whether they went themselves before Colonel Ward? A I heard that my grandfather went to Aberdeen, Mississippi.
- Q But you don't know whether he went before Ward or before the Commission? A I don't know.
- Q Did he go to Aberdeen Mississippi on business relating to the rights of a Choctaw Indian? A Yes, sir.
- Q But you don't know anything further about that? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government or certificates? A I don't know.
- Q This scrip or certificates entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas to take the place of land which the government had taken from them in the old Choctaw Nation there in Mississippi or Alabama; you don't remember about that? A No, sir.
- Q Who is Scott S. Dumas? A He is my first cousin.
- Q He has made application to be identified as a Mississippi Choctaw has he not? A Yes, sir.
- Q Also a great many others of your family and relatives? A Yes, sir.
- Q Would you like to have this case and the cases of all these other relatives who claim through the same common ancestor consolidated with your case? A Yes, sir.

Special Referee is here made to the case of Scott S. Dumas et al., M.C.R. 4006 for the purpose of consolidation.

- Q You don't speak or understand the Choctaw language I presume? A No, sir.
- Q Have you any other evidence you want to offer or anything

further in this case? A No, sir.

Examination by attorney Ralls.

- Q Did your grandmother have a sister named Kaziah? A Yes, sir.
 Q What was her maiden name? A Brashear.
 Q You know when she married? A She married Flen Thompson.
 Q You know what finally became of her? A She died.
 Q Where? A In Texas.
 Q Did you see her frequently and become well acquainted with her during her life time? A Yes, sir.
 Q Do you know whether or not she spoke the Choctaw language? A She did; Yes, sir.
 Q You remember what her physical appearance was complexion and hair? A Yes, sir; short dark hair; dark eyes; not black eyes I think but dark and between a brunette and brown; she was not a real brunette and not a real blonde.
 Q Have you seen a great many Indians? A Yes; a great many.
 Q What would you say as to whether or not she showed to have Indian blood judging from her features and your knowledge of the Indians? A I would say she showed Indian.
 Q Did Indians live in your vicinity? A Not immediately but in Neshoba County, near us. That has been a home for Indians for years. I have see a great many of them during my childhood and ever since.
 Q Your grandmother died when you were quite small? A Yes, sir.
 Q You have no distinct recollection of that? A No, sir.
 Qx You know the names of your grandmother's children? A Yes, sir.
 Q How many children did she have? A Eight boys and one daughter.
 Q Were Winchester, John B., David P., Benjamin, James P., Alison M.S. Manley, Lorenz W., Jackson G. the names of the sons? A Yes; and then the daughter was Mrs. Shipp.
 Q What was her first name? A Jane Shipp.
 Q You remember the names of Kaziah's children? A Yes; Emsley, William and Mrs. Niles Cobb were the children.
 Q Did she have a daughter named Mary Ann? A Yes; Mary Ann Thompson.
 Q What relation is Scott S. Dumas to Mary Ann Thompson who married a Dumas? A It was her son.
 Q What relation is David Dumas to Scott Dumas? A Uncle.
 Q Scott's father's name was? A James P. Dumas?

By the Commission.

- Q Your eyes are blue or brown? A A kind of brown; they use to call them hazel.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has light brown hazel eyes; light complexion; brown hair. Has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830 except such as is gained from family history and tradition.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported

the above and foregoing case on May 28, 1902 and that the
above and foregoing is a full true and correct transcript of his
stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before at this 17 day of June 1902.

Charles H. Sawyer

Notary Public.

Miss.Chestaw 5807
Miss.Chestaw 5700

Muskogee, Indian Territory, November 17, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 14, inclosing certified copy of marriage license and certificate between W. W. Cain and Maud Williams, which you offer in support of the application of Maud Cain et al. for identification as Mississippi Chestaws, and the same has been filed with the record in this case.

There was also inclosed with your letter of November 14, but not mentioned therein certified copy of marriage license and certificate between Monroe McClurg and Ida B. Williams which appears to have been offered in support of the application of Mary E. Carothers, et al. for identification as Mississippi Chestaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COMMISSIONER,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5700.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mary E. Carothers,
Jackson, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
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Julia A. Wells,	M. C. R. 5559
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Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
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Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming right in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Same Duty.

Chairman.

Registered.

777m

REFER IN REPLY TO THE FOLLOWING

MCR 5700

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 22, 1906.

Mary E. Carothers,
Jackson, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself, your child and grandchildren as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

No. 5760

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name Mary E. Carothers

Age 66

Blood 1/16

Post-Office, Jackson, Miss. —

Father: John Brashear Thomas, d

Mother: Carolina — " d

Claims through Jackson —
Husband

J. N. Carothers, (d)

Children:

Daughter, of applicant

Ada B. McBlurg 32 42

Husband —
Monroe " — (w. i. l. —

Children —

Susie May McBlurg 1/64 18

Ada Maud " 1/64 16

Monroe " 1/64 10

Claims for ref. her
incompetent daughter,

& 3 grand children.

Stenographer G. R. Russell

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Mary E. Carothers in the matter of the appli-
cation for identification as Mississippi Choctaws of Mary E. Carothers
et al. M.C. 5700.

Dated at Muskogee, Indian
Territory, June 30, 1902.

J. H. K. 11

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1908

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



RETURN TO SENDER.

Mary E. Carothers,

Jackson, Mississippi.

Choctaw MCR 5701

John R. Dumas

See MCR 4006

MCR 5701

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5701

In the matter of the application for identification as Mississippi Choctaws of John R. Dumas for himself and his minor child, Walter A., and his minor nephew, Justin R. Dumas.

J. G. Ralls attorney for applicants.

John R. Dumas being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A John R. Dumas.
Q What is your age? A I am forty-six.
Q What is your post office address? A Rockwall, Texas.
Q How long have you lived there? A About twenty-one years.
Q Where did you live before that? A I lived in East Texas.
Q Have you always lived in Texas? A Yes, sir.
Q Born where? A In Anderson County, Texas.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A L. W. Dumas.
Q What was your mother's name? A Her name was Elizabeth Dumas,--
No, Antoinette Dumas.
Q You claim through which parent father or mother? A My father.
Q How much Choctaw blood do you claim? A I claim one-sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or
enrolled as one by the Choctaw tribal authorities or the United
States authorities in Indian Territory? A I don't know.
Q Have you proof of the marriage of your father and mother with you
now? A No, sir.
Q Do you remember when and where they were married? A I do not.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Addie E. Dumas.
Q Is she living? A Yes, sir.
Q She a Choctaw Indian or white woman? A She is white.
Q You make no claim for her? A No, sir.
Q How many children have you under twenty-one years of age and un-
married? A One.
Q What is the name of that one? A Maggie, she is twenty-one.
Q Is she here? A Yes, sir.
Q You have none under age? A Yes, I have one son.
Q What is his name? A Walter A. Dumas.
Q How old is Walter? A Nineteen.
Q You claim for yourself and one child? A I have a nephew given
to me when my brother died, he gave me the boy to raise.
Q Is his mother living? A No, sir.
Q What is his name? A Justin R. Dumas.
Q How old is he? A He is in his nineteenth year.
Q You call him nineteen? A Yes, sir.
Q His father's name is what? A Frank R. Dumas.
Q He is dead? A Yes, sir.
Q His mother's name is what? A Emma Dumas.
Q She is also dead is she? A Yes, sir.

- Q These are the parents of your nephew? A Yes, sir.
- Q Is Justin R. Dumas living with you? A Not just at this time?
- Q Has he been supported by you always since his father died? A Yes; principally.
- Q When did his father die? A About fifteen or sixteen years ago.
- Q When did his mother die? A About three years prior to that.
- Q Have you practically had the custody of your nephew Justin R. Dumas since the death of his father? A Yes; practically.
- Q Did his father want you to care for him? A Yes, sir.
- Q And you are the nearest blood relative he has? A Yes, sir.
- Q Do you remember when and where Frank H. Dumas and his wife were married? A In Cherokee County, Texas, but I cannot tell you the exact date,--about twenty-one or two years ago.
- Q Frank H. Dumas was your own brother? A Yes, sir.
- Q The claim of Justin R. Dumas is the same as your claim? A Yes, I suppose it was..
- Q That is through your father? A Yes, sir.
- Q How much Choctaw blood do you claim for this nephew? A I think about one-thirty-second.
- Q Who has the care of this boy now? A He is staying with my daughter; he boards there but I watch and care for him just the same.
- Q When were you married to your wife? A I don't suppose I can call the year; it is about sixteen years ago.
- Q Where were you married? A In Cherokee County, Texas? A Yes, sir.
- Q By a minister and under a license? A Yes, sir.
- Q Is your name or the name of your son or the name of your nephew on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself, your son, and your nephew? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself, your son or nephew, to the Dawes Commission under the act of Congress of June 10, 1896? A I have not.
- Q Is this the first application you have made for yourself, your son and your nephew either to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? for citizenship in the Choctaw Nation? A Yes, sir.
- Q None of you have ever been admitted as citizens of the Choctaw Nation, either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified yourself and your son and your nephew as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A Yes, I think I do.
- Q You don't care to have it explained to you further? A No, sir.
- Q It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five

years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that? A Yes, sir.
- Q You know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as Mississippi Choctaws? A Elizabeth Brashear.
- Q Whom did she marry? A E. W. Dumas.
- Q He was a white man? A Yes, sir.
- Q She was part Choctaw? A Yes, sir.
- Q How much Choctaw? A One-quarter.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Did you hear anything about her living in the old Choctaw Nation at any time? A No, sir.
- Q Don't know whether she had a family over in Mississippi or Alabama in 1830? A No, sir.
- Q Did she have a Choctaw Indian name that you know of? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q How old would she be if living now? A I don't know.
- Q You claim through your father do you not; did he ever live in Mississippi or Alabama? A I don't know; he died when I was quite young.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them own any improvements on land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

In 1837, an act of Congress was approved appointing a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. This act of Congress was dated March 3, 1837. In 1842 another Commission was appointed by act of Congress approved August 23, of that year. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty. The reason why these two Commissions were appointed was that a great many Choctaw Indians claimed they had gone to Colonel Ward within six months from the ratification of the treaty and told him that they wanted to stay in Mississippi, take land there and become citizens of the States. In other words they attempted to register before Colonel Ward under article fourteen of the treaty of 1830 but Colonel Ward neglected to put their names upon his list and because he did neglect to do so these Indians lost their land which they had in the old Choctaw Nation; the government took it from them and sold it.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these Commissions, appointed to hear these complaints of Choctaw Indians whose land had been taken from them, and claimed benefits under article fourteen of the treaty of 1830?
A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had taken from them by the government and sold at its public land sales? A No, sir.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Who is Scott S. Dumas? A A first cousin of mine.
- Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q You claim through the same common ancestor through whom he claims? A Yes, sir.
- Q You want your case and his consolidated? A Yes, sir.
- Q You want the cases of your relatives claiming through the same common ancestor united with your application? A Yes, sir.
- Q Do you speak Choctaw? A I do not.
- Q Is there anything further you want to say? A No, sir.

Examination by attorney J. G. Ralls.

- Q Was your father's first name Lorenz? A Yes, sir.
- Q His mother's name was Elizabeth? A Yes, sir.
- Q Mrs. Carothers a cousin of yours? A Yes, sir.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes; medium dark complexion; brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

- Q Addie S. Dumas is your second wife? A Yes, sir.
- Q What is the name of your first wife? A Ida F. Dumas.
- Q Did you have any children by Ida F. Dumas? A Yes, sir.
- Q Do you wish to make any application for any children of Ida Dumas? A Yes; they are the ones you have already taken.
- Q Walter F. Dumas? A Yes, sir.
- Q I asked you the question if Ida F. Dumas is the mother of your child? A She is the mother of all my children.
- Q You have no children by your second wife? A No, sir.
- Q How long has Ida F. Dumas been dead? A About twenty-five years; --No, not that long she died in 1885 April 21.
- Q Your brother Frank H. Dumas had the same quantity of blood that you claim did he not? A Yes, sir.
- Q That is one-sixteenth? A Yes, sir.

Examination by attorney J. G. Ralls.

- Q What are the names of your children who are of age? A Maggie Dumas and Carrie Wilkerson.
- Q They are here to-day to make application? A Yes, sir.

#5

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the foregoing cause on May 28, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 14 day of June 1902.

Charles H. Sawyer

Notary Public.

Miss. Chootaw R5701

Muskogee, Indian Territory, June 18, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 13, inclosing certified copy of marriage license and certificate between John R. Dumas and Ida F. Gray, which you offer in support of the application for identification as Mississippi Chootaws of John R. Dumas et al., and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMM. CLERKS:
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRONKHORST,
W. E. STANLEY.

ALLISON L. AVENWORTH,
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5701.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

John R. Dumas,

Rockwall, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5808
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4318
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Minnie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6842
Lawrence L. Thompson, et al.,	M. C. R. 6873

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, son Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. G. D.

James D. G. D.

Chairman.

Registered.

Muskogee, Indian Territory, January 22, 1906.

John R. Dumas,
Rockwall, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself, your son and your nephew as Mississippi Choctaws, is a part.

Respectfully,

SIGNED: 

Commissioner.

For Identification as a Mississippi Choctaw

Date

MAY 28 1902

Name John R. Kumas

Age 46 — Blood 1/16

Post-Office, Rockwall, Texas,

Father: L. W. Kumas d

Mother: ~~St~~ Antoinette .. d

Claims through father —

wife? Addie S. Kumas, l. w.

No claim for wife —
wife (1) Ida T. Kumas, (d)
mother of Walter A. Kumas.

Children:

~~Maggie~~

Walter A. Kumas, 19 1/32

nephew

Justin R. Kumas, 19 1/32

father. — — — 1/16

Frank H. Kumas (d)

Mother

Emma — — — (d)

Claims for neg. son & nephew.

Stenographer L. Rosenmiller

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DATE OF RECEIPT, 1964
FROM, J. H. VAN DER

J. H. Van der

Choctaw MCR 5702 .

Maggie I. Dumas

See MCR 4006

MCR 5702

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5702

In the matter of the application for identification as a
Mississippi Choctaw of Maggie Ida Dumas.

J. G. Halls, attorney for applicant.

Maggie Ida Dumas being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Maggie Ida Dumas.
Q What is your age? A Twenty-one.
Q What is your post office address? A Rockwall, Texas.
Q How long have you lived there? A I was born there.
Q What is your father's name? A John R. Dumas.
Q Your father is living? A Yes, sir.
Q What is your mother's name? A Ida F. Dumas.
Q She is living now? A No, sir.
Q You claim your Choctaw blood through your father or mother? A
My father.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian
Territory? A No, sir.
Q You wish to have his case consolidated with yours when these
cases are considered? A Yes, sir.
Q You are not married? A No, sir.
Q You make application for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the
act of Congress of June 10, 1896? A No, sir.
Q Is this the first application you ever made for citizenship in
the Choctaw Nation either to the Choctaw tribal authorities or the
United States authorities in Indian Territory? A Yes, sir.
Q You never have been admitted to citizenship by any authority
whatever either the Choctaw tribal authority, the Commission to
the Five Civilized Tribes or the United States authority? A No,
sir.
Q Do you now wish to be identified as a Mississippi Choctaw? A Yes,
sir.
Q Do you claim under article fourteen of the treaty of 1830? A
Yes, I suppose so.
Q You understand that article? A I don't know whether I do or
not; I have heard it several times.

- Q Do you know what that article means; what it was intended to accomplish? A It was the treaty.
- Q Part of the treaty of 1830? A Yes sir.
- Q It was intended to protect the interests of those Choctaw Indians who stayed back in the old Choctaw Nation? A I understand it that way.
- Q But, they had to do certain things, did they not before they had a right to take land in the old Choctaw Nation? A I think so.
- Q They had to go to the United States Indian Agent within six months from the ratification of the treaty and register ~~it~~ their names with him as Indians who desired to stay back in the old Choctaw Nation, take land there and become citizens of the States. The treaty itself was made for the purpose of getting all of the Choctaw Indians who lived in the old Choctaw Nation to leave that old Choctaw Nation and go to the Choctaw Nation Indian Territory. About six thousand Indians refused to go and of that number a great many went to Colonel Ward within six months from the ratification of the treaty and attempted to register under him but he refused to put their names upon his list. The article itself reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes I think so.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear I guess.
- Q That was her maiden name? A Yes, sir.
- Q Whom did Elizabeth marry? A E. W. Dumas.
- Q He was a white man? A Yes, sir.
- Q How much Choctaw blood did Elizabeth have? A One-quarter.
- Q Did she live in Mississippi in 1830? A I don't know sir.
- Q Did she have a Choctaw Indian name? A I don't know sir.
- Q How old would she be if living now? A I don't know.
- Q Where was she born? A I don't know.
- Q Where did she die? A I don't know that either.
- Q Where did she live, in what state, most of her life? A I don't know; I heard these others say in Mississippi or Alabama.
- Q Did you ever hear anybody say that she lived in Mississippi or Alabama? A I heard some of them say it this evening.
- Q You don't know whether she was the head of a family in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of our Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

- Q Did any of your Choctaw ancestors own any improved land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes, sir.
- Qx Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1834? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know whether they did or not.

The Choctaw Indians who stayed back there in the old Choctaw Nation refusing to go to the Choctaw Nation Indian Territory with the other Indians were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent and make application to be registered under article fourteen of that treaty and to do that within six months from the ratification of that treaty. A good many Choctaw Indians did this whose names Colonel Ward failed for some reason to put upon his list which has been since known as Ward's register. His neglect to do this caused many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold. The only right that they had to hold land in the old Choctaw Nation was evidenced by the fact that their names were upon that register of Ward's. He made a very imperfect register; out of six thousand Indians who went before him only seventy-one were registered. This caused a great many complaints among the Choctaw Indians so that in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits or rights under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that they had formerly had land in the old Choctaw Nation which the government had taken from them and sold..

- Q Who is Scott S. Dumas? A He is a cousin of mine.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim through the same common ancestor through whom he claims? A Yes, sir.
- Q Would you like to have his case and yours considered together with all the cases of applicants who claim through the same common ancestor? A Yes, sir.

The case of Scott S. Dumas, et al., 4006, is here referred to for the purpose of consolidation of all all these cases under one head.

#4

Q Do you speak Choctaw? A No, sir.

Q Have you any other evidence you want to introduce at this time?
A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes; medium dark complexion; brown hair; she does not understand the Choctaw language and has no knowledge or compliance on the part of her ancestors with any of the provision of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 14th day of June 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMM BINSY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

ALLISON I. AYLESWORTH
SECRETARY

COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEEK IN REPLY TO THE FOLLOWING

M. C. R. 6702.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Maggie I. Dumas,

Rockwall, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennie Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles L. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moma Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Crawford, Majie J. Crawford, Lucille Crawford, Gheint Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Buford, Burdie A. Wilson, John H. Wilson, Albert G. Dumas, Acline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Maud Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lage F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamou Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dieken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. C. S. D.)

John D. Dancy

Chairman.

Registered.

271
HCR 5702

Muskogee, Indian Territory, January 22, 1906.

Maggie I. Dumas,
Rockwall, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

SIGNED

Commissioner.

No.

5732

For Identification as a Mississippi Choctaw.

MAY 28 1902

Date

Name *Maggie R. L. Kumas.*

Age *21*

Blood

1/32

Post-Office, *Rockwall, Texas,*

Father: *John R. Kumas, l.*

Mother: *Ida F. " d.*

Claims through *father. — —*

Children:

Claims for — —
alone —

grapher *G. R. Sammis*

Received of J. G. [unclear] the sum of [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

Witness my hand and seal
Territory, June 30, 1904.

J. G. [unclear]

Choctaw MCR 5703

Carrie A. Wilkerson

See MCR 4006

MCR 5703

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5703

In the matter of the application for identification as Mississippi Choctaws of Carrie A. Wilkerson for herself and her two minor children, James A., and Walter D. Wilkerson.

J. G. Ralls attorney for applicants.

Carrie A. Wilkerson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Carrie A. Wilkerson.
Q What is your age? A Twenty-three.
Q What is your post office address? A Rockwall, Texas.
Q How long have you lived there? A All my life.
Q What County is that in? A Rockwall, I was not born there I was born in Cherokee County.
Q Is your father living? A Yes; John R. Dumas is my father.
Q Your mother also? A No, sir; my mother is dead.
Q What was your mother's name? A Ida F. Dumas.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Do you know when and where your father and mother were married? A No, sir.
Q Married by a minister and under a license? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A J. A. Wilkerson.
Q Is he a Choctaw Indian? A No, sir.
Q He is a white man? A Yes sir.
Q You don't make any claim for him do you? A No, sir.
Q Have you any children you want to make application for? A I have two.
Q What is the name of the oldest? A James A.
Q How old is James? A Three and one-half years old.
Q What is the name of the other? A Walter D. Wilkerson.
Q How old is he? A One-year old.
Q You claim for yourself and these two children? A Yes, sir.
Q Is J. A. Wilkerson the father of these children? A Yes, sir.
Q Were either you or he married before you married each other? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1897? A No, sir.

#2

- Q Have you ever made application before this time to any authority whatever? A No, sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that treaty? A Yes, I think I do; I have heard it enough.
- Q You don't care to have it further explained? A No, sir; I don't care for it.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizens of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you? A Yes, sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article or that treaty? A No, sir; I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashoar.
- Q Whom did she marry? A E. W. Dumas.
- Q He was a white man? A Yes, sir.
- Q She was how much of a Choctaw Indian? A One-quarter.
- Q Did she have a Choctaw Indian name? A I don't know sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Do you know whether she was the head of a family in Mississippi or Alabama in the old Choctaw Nation in 1830? A No, sir.
- Q She was not or don't you know? A I don't know.
- Q You don't know anything about any Choctaw ancestor who lived in Mississippi in 1830 and was the head of a family there in 1830? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

In 1830 when this treaty was made and in 1831 when it was ratified there were a great many Choctaw Indians who refused to go to the Choctaw Nation Indian Territory with the other Indians under the general provisions of that treaty. Some provision was made for them and that provision was contained in article fourteen of the treaty of 1830, and one was they had to go to the United States Indian Agent, within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. It caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose the land and these improvements because they were taken from them by the government and sold by the government at its public land sales. A great many complaints were made and as the result of the complaints made Congress appointed a Commission in 1837, by act approved March 3, of that year and also, in 1842, another Commission was appointed by Congress under an act approved August 23, of that year. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No, sir; I don't know.
- Q Did any of them receive any scrip from the government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and given to those Indians who proved their claim under article fourteen and also proved that their land had been taken from them by the government and sold at its public land sales.

- Q What relation is Scott S. Dumas to you? A Cousin.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Would you like to have his case and other cases of applicants who claim through the same ancestor considered with your case? A Yes, sir.

The case of Scott S. Dumas is here referred to M.C.R. 4006.

- Q Do you speak Choctaw? A No, sir.
- Q Have you any other evidence you want to introduce now in support of your claim? A No, sir.
- Q Anything further you would like to say? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has gray eyes; medium fair complexion; brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as

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stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on May 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of May 1902.

Subscribed and sworn to before me this 14 day of June 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMM BEARY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYERWORTH,
SECRETARY

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO, REPLY TO THE FOLLOWING

M. C. R. 5703.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Carrie A. Wilkerson,
Rockwall, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merciant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James O. Dancy

Chairman.

Registered.

MCR 5703

COPY.

Muskegee, Indian Territory, January 22, 1906.

Carrie A. Wilkerson,
Rockwall, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

MAY 28 1902

Date

Name *Carrie A. Wiekerson,*Age *23 -* Blood *1/32*Post-Office *Rockwall, Texas,*Father: *John R. Dumas l.*Mother: *Ida F. " d*

Claims through *father.*
husband *J. A. Wiekerson, l. w.*
No claim from husband.

Children:

James A. Wiekerson 3 1/2
Walter W. " 1 -

Claims for self &
2 children

Stenographer

G. Rosemeyer

Brother, I am very glad to hear
that you are well and happy. I
am also well and happy. I hope
you will continue to be so.

Yours truly,
J. H. K.

J. H. K.

Very truly,
J. H. K.

Choctaw MCR 5704

Elisha Petty

See MCR 762

MCR 5704

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 28th, 1902.

In the matter of the application of Elisha Petty for identification as a Mississippi Choctaw.

--Applicant represented by R. M. Vaughan,
J. M. Givens and J. G. Ralls---

Elisha Petty, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Elisha Petty.
Q How old are you? A Seventy eight.
Q How much Choctaw blood do you claim? A My great grandmother was said to be a Choctaw woman.
Q Was her husband a white man? A Yes sir.
Q Then your grandmother possessed how much,--one half? A I don't know, that is before I can recollect; that is what I have been told.
Q You don't know how much Choctaw blood you do possess then? A No, sir, she was a Choctaw is all I can tell you.
Q What is your post office address? A Armour, Limestone County, Texas.
Q Where were you born? A In Tennessee.
Q How long did you live in Tennessee? A I was about ten or twelve years old when my father moved from Tennessee.
Q Where did he remove to? A Alabama.
Q How long did you live in Alabama? A Four years.
Q Where did you move to then? A Mississippi.
Q And from Mississippi where did you move? A Texas.
Q And you have lived in Texas ever since you moved from Mississippi?
A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Alfred Petty.
Q How old would he be if he was living now? A He has been dead about forty seven years, and I suppose he was about forty seven years old when he died.
Q Then he would be ninety four or ninety six years old if living now? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Mary.
Q How old would she be if she were living now? A She would be about ninety two.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q Where was your mother born? A Tennessee.
Q And she made the same change of residence that your father did with you? A Yes sir.
Q What year was it that your mother, your father and yourself moved to the state of Mississippi? A I couldn't tell you; I lived

forty years in Mississippi, but I couldn't tell the date.

Q About how old were you when you moved to Mississippi? A About fourteen or fifteen years old, may be not that old.

Q Was your mother ever recognized in any manner or enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities or by the authorities of the United States? A My mother, I don't suppose was ever enrolled at all.

Q Are you married? A Yes sir.

Q Is your wife living? A No sir.

Q What was her name? A I have been married three times.

Q Give the name of your first wife, then your second, and then your third wife? A Mary Dew was my first wife.

Q Now, the second wife? A Harriet Haynes.

Q She is dead? A Yes sir.

Q And Mary Dew is dead? A Yes sir.

Q Now the third wife? A Jane Birdwell.

Q And she is dead? A Yes sir.

Q Have you any children who are unmarried and under twenty one years of age that you want to make application for? A No sir.

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir, I reckon not.

Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A None that I know of.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for Indian Territory?

A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted to citizenship or enrolled as a citizen of the Choctaw Nation? A No sir, I never have.

Q Do you come before the Commission at this time for the purpose of claiming a share in the lands of the Choctaw Nation, Indian Territory under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into between the Choctaw tribe of Indians and the United States government at a place called Dancing Rabbit Creek in Mississippi, September 27, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river and what is known now as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws did not want to come to this new country but wanted to remain in the old Choctaw Nation in Mississippi and Alabama, and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the

Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is the fourteenth article, and it required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama, he should within six months from the date of the ratification of the treaty by Congress, which was done on the 24th day of February, 1831, appear before the government agent there in the old Choctaw Nation and signify to him, that is let him know in some way, that he intended to remain or wanted to remain in the old Choctaw Nation, and wanted to take land under the provisions of article fourteen. After having done that he was entitled as the head of a family to one section or six hundred and forty acres land to be bounded by sectional lines, and for each child in his family unmarried and over ten years of age he was entitled to a half section or three hundred and twenty acres, and for each child under ten years of age he was entitled to a quarter section or one hundred and sixty acres of land; the reservations of the children to adjoin the location of the parent and to include any improvement owned by the head of the family at the time the treaty was made, September 27 1830. That article also required that after a Choctaw had received his land he should reside upon it five years, after which time the government would give him a title in fee simple, which would enable him to dispose of the land at his pleasure. The last clause of that article reads as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that in case a Choctaw remained in the old Choctaw Nation and took his land as required by article fourteen, if he ever removed to the Choctaw Nation, Indian Territory, he was entitled to citizenship in the Choctaw Nation Indian Territory, but he did forfeit any right, by compliance with this fourteenth article, to participate in the Choctaw annuity payments. The annuity payments were money payments made yearly to the Choctaw Indians under treaty provisions.

- Q Is that the article under which you make your claim? A Yes sir.
Q Do you understand it? A No sir.
Q What part of it is it that you do not understand? (No Answer)

I will endeavor to make it plainer to you if possible. Those Choctaws who remained in the old Nation were entitled to certain quantities of land under article fourteen provided they

went before the government agent there and signified their intention of staying, and after they took the land they were required to live on it five years; that was a compliance with article fourteen. In order for a Choctaw to derive any benefits under article fourteen he must have gone before the government agent in the old Choctaw Nation in Mississippi and Alabama and let him know that he wanted to take land there and stay there. After having established his claim and received his land, he was still entitled to citizenship in the Choctaw Nation, Indian Territory?

- Q Do you understand that now? A I think I understand that.
- Q What was the name of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made, 27th of September, 1830? A She was a Tubb.
- Q What was her given name? A I do not know.
- Q What relation is this Tubb to you? A My great grandmother.
- Q You claim your Choctaw blood from your mother? A Yes sir.
- Q Was your mother married and the head of a family on the 27th day of September, 1830? A Yes, I think she was.
- Q Where did your mother live at that time? A I couldn't tell you.
- Q What years was it your people lived in Mississippi? A We lived there about forty years.
- Q Do you know what year you first moved to Mississippi? A No sir.
- Q Do you know what year you first moved to Alabama? A I was a chunk of a boy when we moved to Alabama.
- Q Do you know when or where your father and mother were married? A Yes married in Tennessee.
- Q What year? A I do not know.
- Q Did you ever have any brothers or sisters older than you? A Yes.
- Q How much older than you was your oldest brother or sister? A My oldest brother was six years older than me.
- Q Was he, your oldest brother, born in Tennessee? A How's that?
- Q Where was he born? A In Tennessee.
- Q Where were you born? A In Tennessee.
- Q Did you have any brothers or sisters younger than yourself? A Yes sir.
- Q How much younger than you is your youngest brother or sister? A About thirty years younger.
- Q Where was that youngest brother or sister born? A Born in Mississippi. Let me think a minute--Born in Alabama.
- Q Commence now and give me the names of your brothers and sisters beginning with the oldest? A George Petty is the oldest.
- Q Is he living? A He sir.
- Q How old would he be if living? A He would be about eighty six or ~~six~~ eighty seven.
- Q Where was he born? A Tennessee.
- Q Now, the next one? A James L. Petty.
- Q Is he living? A He sir.
- Q How old would he be if living? A He was about two years younger than the other.
- Q Where was he born? A Tennessee.
- Q Now, the next one? A Myself, Elisha.
- Q Your age is 1898? A Yes sir.
- Q Where were you born? A Tennessee.

- Q The next one to you? A Elizabeth.
Q Did she marry? A No sir.
Q Is she living? A No sir.
Q How old would she be if living now? A Two years younger than me.
Q Where was she born? A Tennessee.
Q The next one? A Edna.
Q Did she marry? A Yes sir.
Q Whom did she marry? A Her name is Edna Bailey, now.
Q How old is she? A She was two years younger than Elizabeth.
Q Where was she born? A Tennessee.
Q What is the next one? A Jane.
Q Is she married? A No sir, never married.
Q How old would she be if living now? A Two years younger than the other one.
Q Where was she born? A Tennessee.
Q What is the next one? A Richard.
Q What was his age? A He would be two years younger than Jane.
Q Where was he born? A Tennessee.
Q What is the next one? A David.
Q His age? A About two years difference.
Q The next one? A That is the last.
Q All these brothers and sisters were born in the state of Tennessee? A Yes sir, except David he was born in Mississippi.
Q Were any of them born in the state of Alabama? A No sir.
Q How long before the birth of David was it that your mother and father moved to Mississippi? A Only a short time, some two or three years.
Q Can you say where your mother and father were living in September 1830? A Well, I couldn't say for sure.
Q The age of Richard Petty would indicate that they were living in Tennessee? A Yes sir, I suppose they were living there at that time.
Q Did your mother comply with or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I have any knowledge of.
Q Did any of your Choctaw ancestors comply with or attempt to comply with article fourteen of the treaty of 1830? A Not that I know of.
Q Whom did your mother get her Choctaw blood from? A From her father.
Q His name was what? A George Tubb.
Q Whom did he get his Choctaw blood from? A His mother.
Q What was his mother's name? A I do not know; Tubb is all I know.
Q Was your mother recognized as a member of the Choctaw tribe of Indians in the old Choctaw Nation in 1830? A Not that I know of.
Q Do you know whether any of your ancestors were ever recognized as members of the Choctaw tribe of Indians in 1830? A If they was I don't know it.
Q Did your mother own any improvements on what constituted the old Choctaw Nation in Mississippi and Alabama in 1830? A I have heard them speak of it time and again.
Q What did that improvement consist of? A She claimed her grandfather was a Choctaw Indian.
Q Did she own any improvements on land in Mississippi in 1830? A No my mother did.
Q Did she own any improvements on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made September 27, 1830? A Yes sir.

Q Have you any evidence of any kind to show that you are possessed of Choctaw blood or that your ancestors through whom you claim descent Tubb, whose given name you do not know and who was the mother of George Tubb, was a Choctaw Indian? A Nothing at all.

Q It is simply family tradition, is it? A Yes sir.

Q Have you any written evidence you want to offer in support of your application today? A No sir.

Q Is there any further statement you want to make concerning your case? A No sir, nothing.

Q Do you speak or understand the Choctaw language? A I used to understand right smart of it, but it has been so long I have forgotten most of it.

Q Where did you acquire that knowledge? A In Mississippi.

Q Was it taught you by your parents or did you pick it up by your association with the Choctaws? A By my association with the Choctaws.

Q Did your mother through whom you claim your Choctaw blood speak the Choctaw language? A No sir, I think not.

Q Do you know how much Choctaw blood your mother claimed? A She claimed her grandmother was Choctaw.

Q Was your grandfather a white man? A Yes sir.

Q And was your great grandfather a white man? A Yes sir.

Q You claim for no one besides yourself? A That is all.

Examination by Mr Vaughan, attorney for applicant:

Q What is the name of your great grandfather? A George Tubb.

Q Where did he come from? A Came from across the sea; he came from Ireland.

Q Anybody come with him? A His brother come with him.

Q What were their names? A George Tubb and Billy Tubb.

Q How many children were born to George Tubb who came from Ireland and his Indian wife? A That is farther back than I can go.

Q Can you name any one? A No sir, I never knew anything about his family.

Q Well, not what you know, but what you have heard? A Maybe I didn't understand your question.

Q How many children were born to the George Tubb who came across from Ireland, and his Indian wife? A I have no knowledge about that.

Q Have you ever heard anything about that? A I have heard Billy Tubb came with him.

Q What about your great grandfather---You don't understand my question, do you? A No sir.

Q Your great grandfather George Tubb married an Indian woman? A Yes sir, my great grandfather.

Q How many children were born to him and his Indian wife? A I don't know of but one, my grandfather.

Q What was his name? A George Tubb.

Q Named for his father? A Yes sir.

Q Did George Tubb Jr., marry? A Yes sir, he married Elizabeth Floyd.

Q Did they have any children? A Yes sir.

Q How many? A Fourteen that they raised.

Q Can you name them? A I have named them time and again, I don't

- know whether I could carry it back and call them as they come.
- Q Do the best you can? A Rebecca was the oldest.
- Q Whom did she marry? A She married Williams.
- Q Is Rebecca living? A No sir.
- Q Is Williams living? A No sir.
- Q Name the next one? A Mary, that was my mother.
- Q Whom did she marry? A Alfred Petty.
- Q Is she living? A No sir.
- Q Is Alfred Petty living? A No sir.
- Q How many children were born to your mother? A Eight is my recollection.
- Q Eight besides yourself? A Eight with myself.
- Q Name the next child of George Tubb? A Richard, we always called him Dickie.
- Q Is he living? A No sir.
- Q Next one? A Elisha.
- Q Is he living? A Yes sir;--who, no sir, he is not living.
- Q Next one? A Lydia.
- Q Did she marry? A Yes sir.
- Q Whom did she marry? A Alex Moore.
- Q Next one? A Sarah.
- Q Did she marry? A Yes sir.
- Q Whom did she marry? A A man named Moore.
- Q What was his given name? A William Moore.
- Q Next one? A Betsey.
- Q Did she marry? A Yes sir.
- Q Was that Betsey or Elizabeth? A Elizabeth is the correct name.
- Q Whom did she marry? A William Williams.
- Q Name the next one? A Jane.
- Q Whom did she marry? A Munn.
- Q What was his given name? A John.
- Q Next one? A Susan.
- Q Did she marry? A No sir.
- Q Is she dead? A Yes sir.
- Q Next one? A Isabella.
- Q Did she marry? A Yes sir, married Milton Ikard.
- Q Have they any children? A Yes sir.
- Q Are any of them here attending this Commission? A Yes sir, some here today.
- Q What are their names? A William is one of them that is here today I think, I cannot recollect their names.
- Q How many of them are here? A Just one of them is all I have heard of.
- Q Name another one of your uncles or aunts? A I can't name them.
- Q Did you have an aunt by name of Lucinda who married a man by name of Cole? A Yes sir, I had left her off.
- Q Did you have an uncle by name of George W. Tubb? A Yes sir.
- Q Did he marry? A Yes sir.
- Q Is he living or dead? A Dead.
- Q Did he have any children? A Yes sir.
- Q How many? A Four boys and a girl is my recollection; yes sir, that many are living; there are several dead but I couldn't give their names.
- Q Any of them attending the Commission? A No sir, not today.
- Q Is George W. Tubb here? A No sir, it is my recollection he is dead.
- Q Are any of his children here? A No sir. Caleb is his eldest son.

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Q You have named twelve of the fourteen---can you call to mind the others of your uncles and aunts? A David.

Q Did he marry? A No sir.

Q Is he dead? A Yes sir.

Q Can you name the other one---the last one? A Wloyd.

Q Is he living? A No sir.

Q Did he marry? A No sir.

Q How many children have you that are living? A Four.

Q Name them? A George is the oldest.

Q Next one? A James.

Q Next one? A Fannie and then Sheldin.

Q Is that a man or woman? A Man.

Q Is Fannie married? A Yes sir.

Q When did she marry? A Baggett.

Q What is his given name? A I don't recollect his given name.

Q Is he living or dead? A He is living; I couldn't give his initials right now.

Q Do you remember the time the big body of Choctaws moved from Mississippi west? A No sir, I don't recollect at the time they moved--that was before my recollection.

Q Did they move before your mother moved to Mississippi? A Yes, I suppose they did, the biggest part of them.

Q How far from the Mississippi line did your folks locate when they moved to Alabama? A About a mile or two, a short distance.

Q Where was your grandfather Tubb living then? A He was living in Alabama, right on the line.

Q That was when you moved from Tennessee? A We first moved to Alabama and stopped and moved from there to Mississippi; he lived right on the line between Alabama and Mississippi.

Q When your mother moved from Tennessee to Alabama, where was your mother's father living? A When my father moved, he was living right on the line. He moved to the Choctaw Nation and settled right on the line between between Mississippi and Alabama.

Q How long did you remain on the Alabama side? A Two years is my recollection now.

Q About how old were you? A I think I was about ten years old when we moved to Alabama, and I was about twelve years old when my father moved from Alabama to Mississippi.

Q Do you remember about the time your grandfather Tubb died---your mother's father? A Yes sir.

Q About when was that? A I couldn't give the date only by going back to some reference.

Q Was he dead when you moved to Mississippi? A No sir.

Q How long after you moved to Mississippi was it that he died?

Q He died two years after we moved there.

Q About how long was it after you moved from Tennessee to Alabama before you moved over to Mississippi? A About two years.

Q About how old were you when your parents ~~from~~ moved from Tennessee to Alabama? A About ten years old is the best recollection I have got.

Q How many children were born to your father and mother after they left Tennessee? A None, but one.

Q How old would the youngest child be if now living? A He would be about sixty five or seventy along about there somewhere.

Q What relation is the grandfather of M. Ikard who has applied here for enrollment, to you? A I couldn't quite tell---

Q What relation was Ikard's mother to you? A My own aunt.

Q Then what relation was Ikard's mother's father to you? A Grand father.

Q How did she come in possession of those lands? A Bought it.
Q Did she ever receive any land from the United States government as a Choctaw Indian under article fourteen of the treaty of 1830?
A No sir.

Q Did she within six months from the 24th day of February, 1831, that is the date Congress ratified this treaty, go before the government agent there in the old Choctaw Nation in Mississippi and tell him she wanted to stay there and take land under article fourteen? A Not that I have any knowledge of.

In accordance with the provisions of article fourteen, the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all of those Choctaws who wanted to remain in the old Choctaw Nation and did not want to move west and who wanted to take land under the provisions of article fourteen of the treaty of 1830. The records of the government show that this agent failed to register the names of a good many Choctaw Indians who appeared before him and signified their intention of staying and taking land, and on this account land upon which Choctaws had improvements and which they desired reserved for them under the provisions of article fourteen were sold by the government at its public land sales. This caused numerous complaints on the part of the Choctaws and these complaints finally reached Congress, and Congress by an act passed and approved in 1837 and another act passed and approved in 1842 sent Commissions to Mississippi and Alabama to investigate these claims, and a large number of claims were heard by these Commissions, of which some were allowed and some rejected. Of the claims allowed after approval by the Secretary of War and the President, if it was found that the lands to which Choctaws had established their claims before these commissions had not been sold, the land was given them; if however, it was found that the land had been sold they were issued scrip and under this scrip Choctaws were entitled to locate on vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did your mother or any of your Choctaw ancestors appear before either of these Commissions and attempt to establish their claims to land under the provisions of article fourteen? A Not that I have any knowledge of.

Q Did your mother or any of your Choctaw ancestors ever receive any scrip from the United States government? A Not that I know of.

Q So far as you know, did your mother or any of your Choctaw ancestors ever receive any land from the United States government as a Choctaw Indian under the provisions of article fourteen of the treaty of 1830? A Not that I have any knowledge of.

Q Have you ever seen or have you ever heard of there being in your family any deed or patent to land received by any of your Choctaw ancestors from the United States government under the provisions of article fourteen of the treaty of 1830? A Not that I have any knowledge of.

Q Do you know of the existence of any evidence of any kind that would tend to show that any of your ancestors complied, or that your mother complied, with the provisions of this article? A Not that I have any knowledge of.

Examination by the Commission:

- Q Was your grandfather, George Tubb, living in Alabama when your family moved from Tennessee to Alabama? A Yes sir.
- Q How long had he been living there? A Since before my recollection, but he had removed to the Choctaw Nation in Alabama when my folks were there. He moved there and settled, and my father moved there to him.
- Q Did you not testify that your mother was born in Tennessee?
- A Yes sir.
- Q Did your grandfather move from Tennessee to the state of Alabama before your father and moved from Tennessee? A Yes sir.
- Q How long? A Before I was born.
- Q Was his wife a white woman? A Yes sir.
- Q Where was your grandfather, George Tubb born? A I don't know whether it was in Tennessee or not. He was born and raised in the United States but I cannot tell what state.
- Q Where did he marry your grandmother? A I suppose in Tennessee because her people lived in Tennessee, but where they were married, I don't know.
- Q Do you know where your great grandfather married his Indian wife?
- A No sir.
- Q Do you know what state or what part of the country? A No, in the United States is all I know.
- Q Was it in the state of Tennessee? A No sir.
- Q Do you know where your great grandfather is buried? A No sir.
- Q Do you know where your great grandmother is buried? A No sir.
- Q Where is your grandfather buried? A In Alabama.
- Q Where is your grandmother buried? A In Mississippi.
- Q Do you know where your grandfather was born? A No sir, I do not.

The applicant has the features and appearance of a person of white parents. Fair complexion, hair at one time dark brown, gray predominating now. He has no knowledge of any act of compliance on the part of his mother who was married and the head of a family in 1830 with any of the provisions of article fourteen of the treaty of 1830, nor has he any knowledge of any act of compliance on the part of his more remote ancestors with any of the provisions of that article of that treaty.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson
Notary Public.

Miss. Choctaw R5143
Miss. Choctaw R5704
Miss. Choctaw R 6706

Muskogee, Indian Territory, June 12, 1902.

R. M. Vaughan,
Attorney at Law,
Hillsboro, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, inclosing certified copy of marriage license and certificate between J. R. Petty and A. O. Bates, offered in support of the application for identification as Mississippi Choctaws of James R. Petty, et al; certified copy of record of marriages of Elisha Petty to Mary E. Dew December 20, 1850, to H. R. Haynes June 17, 1853, and to Jane Birdwell March 20, 1859 from the family bible of Elisha Petty, offered in support of the application of Elisha Petty for identification as a Mississippi Choctaw, and the same have been filed with the records in the above named cases.

There was also inclosed with your letter of June 9, a certified copy of marriage license between S. H. Petty and Ida Mills, with the certificate of marriage blank, and the same is herewith returned to you. It also appears from the testimony of Sam H. Petty at the time he applied for the identification of himself and his two minor children as Mississippi Choctaws that his wife's name is Lona

R.M.V. 2

and that he was married to her on July 1, 1892, evidence of which marriage was filed on May 16, 1902; he also states that she is the mother of his two children, Earl G. Petty, nine years old, and BValle Petty, two years old, and that she and the children are living with him.

It will therefore be necessary to have some explanation of this matter.

Yours truly,

Commissioner in Charge.

AB 2-12

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5704

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Elisha Petty,

Armour, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Ailine Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Biakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

—5—

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

M.C.R. 5704

Muskogee, Indian Territory, May 1, 1905.

Elisha Petty,

Armour, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name *Eliska Petty*
 Age *78* Blood *Don't know*
Armore
 Post-Office, *Armore* Texas.
 Father: *Alfred Petty* *Dead*
 Mother: *Mary* " *Dead*
 Claims through *Mother*
1st Mary *Dead* *Dead*
2d Harriet Haynes *Dead*
3d Jane Birdwell *Dead*

Claims for self alone

Children:

Choctaw MCR 5705

Aylmer Moore

See MCR 762

MCR 5705.

5705.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 28, 1902.

In the matter of the application of Aylmer Moore for the identification of himself and his minor child, Minnie E. Moore, as Mississippi Choctaws.

---Applicant represented by R. M. Vaughan,
J. M. Givens and J. G. Ralls----

Aylmer Moore, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Aylmer Moore.
Q How old are you? A Forty nine.
Q How much Choctaw blood do you claim? A I don't know sir.
Q What is your post office address? A Laredo, Texas.
Q How long have you lived there? A I have been living there about seven years.
Q Where did you live before that? A Waco.
Q Where were you born? A Union County, Arkansas?
Q Did you move from Arkansas to Texas? A Yes sir.
Q And you have lived nowhere except Arkansas and Texas? A No sir.
Q Is your father living? A No sir.
Q What was his name? A Elisha A. Moore.
Q How old a man would your father be if he were living now? A About seventy seven years old.
Q Is your mother living? A Yes sir.
Q What is her name? A Jane A. Moore.
Q How old is she? A Sixty four.
Q Through which parent do you claim your Choctaw blood? A My father, I think I claim Indian blood from both father and mother.
Q What is the name of your mother's father? A Jesse Cobb.
Q Did he possess any Choctaw blood? A I couldn't tell you that.
Q Is your mother a descendant—or rather a member of the tribe—family who are making application for identification as Mississippi Choctaws? A I don't know.
Q Then you want to confine your claim as coming through your father? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.

- Q Are you married? A Yes sir.
 Q Is your wife living? A Yes sir.
 Q What is her name? A Lantie.
 Q Is she a white woman? A Yes sir.
 Q Makes no claim to Choctaw blood? A No sir.
 Q Have you children who are under age and unmarried that you want to make application for? A I have two children.
 Q Then this application is for yourself and your two minor children?
 A Yes sir, one of them is twenty one.
 Q You can only make claim for one minor child then? A Yes sir, there is only one child that is a minor.
 Q What is the name and age of that child? A Minnie E. Moore, twelve years old.
 Q How many children have you over age or married? A I have none married and one over age.
 Q What is the name of that child over age? A Pearl Moore.
 Q How old is she? A Twenty two.
 Q The two children---that is all of your family? A Yes sir.
 Q Were you and your wife legally married? A Yes sir.
 Q Have you the marriage license and certificate with you? A Yes sir.
 Q Do you wish to present it now? A Yes sir.

Applicant submits certified copy of marriage license and certificate between Aylmer Moore and Lantie Haines, which is filed and marked Exhibit A for identification.

- Q Were your father and mother legally married? A Yes sir.
 Q Have you any evidence with you of their marriage? A No sir, only the family bible.

It will be necessary for you to furnish the Commission with legal evidence of the marriage of your father and mother in support of this application. This can be done by filing certified copy of marriage record, by ex parte affidavits or testimony of witnesses.

- Q Is your name or the name of your child for whom you make application to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Did you or any one for you or for your minor child ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
 Q Did you or any one for you or for your minor child in the year 1896 make application to the Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Have you ever made application prior to this time to either the United States authorities or the Choctaw tribal authorities to be admitted or enrolled as a member of the Choctaw tribe of Indians?
 A No sir.
 Q Do you appear before the Commission at this time claiming a share in the lands of the Choctaw tribe of Indians in the Choctaw Nation Indian Territory under the provisions of the fourteenth Article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A I don't understand

Q You are applying for identification as a Mississippi Choctaw?

A Yes sir.

Q Under what do you base that claim? A Treaty of 30 I suppose.

Q Under the fourteenth article of that treaty? A I don't know.

The fourteenth article of that treaty granted certain rights to Choctaw Indian who remained in the old Choctaw Nation in Mississippi and Alabama, and the Curtis Dill or the act of Congress of June 28, 1898, authorizes the Commission to hear the applications of the descendants of those people who established rights under article fourteen of the treaty of 1830?

Q Now, my question is, are you basing your claim as a claimant under the fourteenth article of the treaty of 1830? A Yes sir, I suppose so.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. At that time, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line. The object of that treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river and now known as the Choctaw Nation, Indian Territory. At the time the treaty was made a great many Choctaws did not want to leave that old nation and come to this country and for the benefit of that class of Indians article fourteen was made a part of that treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That article required that in case a Choctaw wanted to remain in that old Choctaw Nation and didn't want to come to this new country west of the river, he could by going before the government agent in the old Choctaw Nation in Mississippi and Alabama within six months from the 24th day of February, 1821, that is the date on which Congress ratified this treaty, and signifying to him his intention of remaining and accepting land under the provisions of article fourteen,-- after having done that he was entitled as the head of a family to one section or six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child over ten years of age and unmarried he was entitled to one half

section or three hundred and twenty acres; for each child under ten he was entitled to one quarter section or one hundred and sixty acres. The reservations of the children to adjoin the location of the parents, and to include the improvements owned by the head of the family on the 24th day of February, 1831. After having received these lands the Choctaws were required to live upon them for five years after which time the government would give to them a title or deed enabling them to dispose of the land at their pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who remained in the old Choctaw Nation and accepted land and complied with the requirements of that article, if he ever removed to the Choctaw Nation, Indian Territory, did not forfeit his right to citizenship, but did forfeit any right to participate in the annuity payments. The annuities were money payments made to the Indians under treaty provisions.

- Q Do you understand that article? A I do.
- Q What was the name of your ancestor who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A George Tubb.
- Q What relation was he to you? A My father's great grandfather.
- Q You claim your Choctaw blood from your father? A Yes sir.
- Q Whom did he get his Choctaw blood from? A His mother.
- Q What was her maiden name? A Lydia Tubb.
- Q Whom did she get her Choctaw blood from? A From her father.
- Q What was his name? A George, I reckon, I co uldn't tell you that.
- Q Did your father have any older brothers or sisters? A Yes sir.
- Q How much older than your father would be his oldest brother or sister? A His oldest brother is a great deal older than him. Uncle Billy was the oldest, and uncle George Moore.
- Q What was your grandfather's name? A Alex Moore.
- Q He married Lydia Tubb, did he? A Yes sir, I think so.
- Q Were they married and heads of a family in 1830? A Yes sir.
- Q Where did they live at that time? A I don't know.
- Q Where was your father born? A In Alabama.
- Q About seventy seven years ago? A Yes sir.
- Q And they had older children than he? A Yes sir.
- Q Was your grandmother Lydia Moore recognized as a member of the Choctaw tribe of Indians at the time this treaty was made in 1830? A I don't know.
- Q Did Lydia Moore or any of your other Choctaw ancestors ever comply with or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No sir.
- Q In what part of Alabama were they living? A Perry County.
- Q Is that near the Mississippi line? A I couldn't tell you.
- Q Did your grandmother own any improvements upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory between the years 1813 and 1818 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A I don't know sir.

Q Did Lydia Moore within six months from the 24th day of February, 1831 go before the government agent in the old Choctaw Nation and signify her intention to remain and take land? A I don't know.

In accordance with the provisions of article fourteen the government agent in the old Choctaw Nation in Mississippi and Alabama was directed to register the names of all those Choctaws who wanted to remain and become citizens of the states and who wanted to take land under the provisions of that article. The records of the government show, however, that this agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking lands, and on this account the lands which they occupied and owned improvements upon and which they desired reserved for them, under article fourteen were sold by the government at its public land sales. This caused a great many complaints upon the part of the Choctaws and these complaints reached Congress, and Congress by an act passed in 1838, and another act passed in 1842, appointed commissions to go into the Choctaw Nation in Mississippi and Alabama and investigate these claims. A great many claims were investigated and some allowed and some rejected. Of the claims allowed, after approval by the Secretary of War, if it was found that the land had not been sold and the Choctaws established their rights to the land under article fourteen, the land was given to them; if, however, the lands to which Choctaws established their rights had been sold, they were given scrip in lieu of the land that had been sold, and under that scrip they were entitled to locate on vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did Lydia Moore, your ancestor who was married and the head of a family at the time this treaty was made, appear before either of these Commissions and establish or attempt to establish any claim to land under article fourteen? A I don't know sir.

Q Did she ever receive any scrip from the United States government for lands which she claimed had been sold by the government? A I don't know.

Q Did they own any land in any of these states? A They owned land in Alabama.

Q Do you know how they came into possession of that land? A Bought and paid for it, I reckon; I know they had plenty of niggers and land at that time.

Q Do you know whether any of your Choctaw ancestors were ever recognized as members of the Choctaw tribe of Indians? A No sir, I do not.

Q Do you know whether any of your Choctaw ancestors, and more especially Lydia Moore, ever received any land from the United States government under article fourteen? A I don't know that s he did.

Q Do you know of the existence of any documentary evidence, such as deeds or patents to land which would tend to show that your ancestors ever received any land from the United States government under article fourteen of the treaty of 1830? A No sir.

Q Do you know of any witnesses you could bring before the Commission who would testify that your ancestors ever complied with or attempted to comply with the provisions of article fourteen? A No sir.

Q Have you any written evidence you want to file with the Commission today? A No sir.

Q Any further statements you want to make in support of your application? A No sir.

Q Have you some relatives who have appeared before the Commission who are applicants for identification as Mississippi Choctaws?

A Milton Ikard.

(Reference is made to the Consolidated Mississippi Choctaw case of Milton Ikard, et al., E. C. R. 762)

Q What relation is Milton Ikard to you? A Cousin.

Q Do you derive your Choctaw blood from the same source that he does? A Yes sir.

Q Have you any brothers or sisters? A Two sisters.

Q Both living? A Yes sir.

Q What are their names? A Lydia Moore, and Della Moore.

Q Are they married? A No sir.

Q Have they been before the Commission? A No sir, they are here today.

Q Have you any brothers? A My brothers are dead.

Q Did they leave families? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Applicant has dark brown hair, bluish gray eyes, medium fair complexion; features and appearance of a person of white parentage. He has no knowledge of any act of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson
Notary Public

Muskogee, Indian Territory, August 2, 1902.

Aylmer Moore,

Laredo, Texas.

Dear Madam:

The Commission is today in receipt of a letter from Ardmore, Indian Territory, under date of July 29, 1902, presumably written from the office of one J. E. Arnold, with which is enclosed the affidavit of Hattie A. Tubb, with the request that same be filed with and made a part of the application of Aylmer Moore to be identified as a Mississippi Choctaw.

The letter referred to is signed by you, but it is presumed by the Commission that the same was prepared and submitted to this office by one J. E. Arnold.

The affidavit enclosed in the above described letter is returned to you herewith with the information that this Commission in no manner recognizes J. E. Arnold as an attorney or agent to represent claimants before this Commission in the prosecution of their applications for identification as Mississippi Choctaws and has further to advise that if you will submit the affidavit returned to you herewith, the same will receive proper consideration. We can not, however, recognize any action of J. E. Arnold in the prosecution

A M _____ 2

of the claims of applicants for identification as Mississippi Choc-
taws.

Yours truly,

Acting Chairman.

Encl.
G.N.S.
6.

Muskogee, Indian Territory, August 2, 1902.

Aylmer Morris,

Laredo, Texas.

Dear Madam:

The Commission is today in receipt of a letter from Ardmore, Indian Territory, under date of July 29, 1902, presumably written from the office of one J. E. Arnold, with which is enclosed the affidavit of Mannie A. Tubbs, with the request that same be filed with and made a part of the application of Aylmer Morris to be identified as a Mississippi Choctaw.

The letter referred to is signed by you, but it is presumed by the Commission that the same was prepared and submitted to this office by one J. E. Arnold.

The affidavit enclosed in the above described letter is returned to you herewith with the information that this Commission in no manner recognizes J. E. Arnold as an attorney or Agent to represent claimants before this Commission in the prosecution of their applications for identification as Mississippi Choctaws and has further to advise that if you will submit the affidavit returned to you herewith, the same will receive proper consideration. We can not, however, recognize any action of J. E. Arnold in the prosecution

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of the claims of applicants for identification as Mississippi Chem-
tows.

Yours truly,

Acting Chairman.

Enc.
C.R.S.
4.

M.O.R. 8705.

Muskogee, Indian Territory, August 29, 1902.

Aylmer Moore,

P.O. Box 63,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., enclosing the affidavit of Hennie A. Tubb, which you offer for filing in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M. C. R. 5705

Muskogee, Indian Territory, December 17, 1902.

Aylmer Moore,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of
W. S. Calloway, to the marriage of Jesse Tubb and Gracie Calloway,
offered for filing in support of the application made by you
for the identification of yourself and minor child as Mississippi
Choctaws. The same has been filed with the record in your case.

Respectfully,

Acting Chairman.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5705

ALLISON I. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Aylmer Moore,

Ardmore, Indian Territory.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearde, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Hylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Mczzy Moore, Annie May Moore, Graham Moore, Iygiene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burtleson, R. D. Burtleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha E. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Snewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, Jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

Muskogee, Indian Territory, May 1, 1905.

Aylmer Moore,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name Sylmer Moore

Age 49 Blood. Don't know

Post-Office, Laredo Texas

Father: Eliza A. Moore Dead

Mother: Jane A. Moore ✓

Claims through
wife Father
Lantie Moore ✓

Claim for self & minor child

Children:

Minnie E Moore 12

Stenographer

A. C. Nelson

Choctaw MCR 5706

James R. Petty

See MCR 762

MCR 5706

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 28, 1902.

In the matter of the application of James R. Petty for the identification of himself and his five minor children, Lee, R. Curtis Herman, Lula and Sidney Petty, as Mississippi Choctaws.

Applicants represented by R. M. Vaughan, J. M. Givens, and J. G. Ralls.

James R. Petty, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James R. Petty.
Q How old are you? A Forty years old.
Q How much Choctaw blood do you claim? A One sixteenth.
Q What is your post office address? A Hillsboro Texas.
Q Were you born in Texas? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Eliza Petty.
Q How old is your father? A He is about seventy eight or seventy nine.
Q Is your mother living? A No sir.
Q What was her name? A Her name was Elizabeth Jane Petty.
Q How old would your mother be if she were living now? A She would be about sixty years old.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States?
A Not that I know of.
Q Were your father and mother legally married? A Yes sir.
Q Have you evidence of that marriage? --- The Commission requires that you furnish evidence of the marriage of your father and mother
--- Have you their marriage license and certificate?

MR VAUGHAN: We will ask permission to file evidence of the marriage of the father and mother of applicant.

COMMISSION: Fifteen days time will be granted for that purpose.

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Alice.

- Q Is she a white woman? A Yes sir.
 Q She makes no claim to Choctaw blood? A No sir.
 Q Have you any children unmarried and under the age of twenty one years that you want to make application for? A Yes sir.
 Q How many? A Five.
 Q This application is for yourself and five minor children? A Yes sir.
 Q Give the names and ages of your children? A Lee, 16; R. Curtis, 14; Herman, 11; Eula, 8; and the last one is Sidney, 4 years old.
 Q Have you any children over age or any children who are married? A No sir.
 Q Were you and your wife legally married? A Yes sir.
 Q When and where were you married? A In Hill County, Texas, 1881.
 Q What year, -1881? A Yes sir.
 Q Have you evidence of that marriage? A I have no written evidence

It will be necessary for you to furnish evidence of the marriage of yourself and wife in support of the application you make for your children.

Mr VAUGHAN: We will ask time in which to do so.

COMMISSION: Fifteen days time is granted.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.
 Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
 Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? --That is under the act of Congress of June 10, 1896? A No sir.
 Q Have you or any one of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Have you ever made application prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
 Q Do you appear before the Commission at this time claiming a share in the Choctaw lands in Choctaw Nation, Indian Territory, under the provisions of article fourteen of the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830? A I don't understand that.
 Q You are asking to be identified as Mississippi Choctaws? A Yes sir.
 Q Why do you make that application---under what law do you make that claim---Did you ever hear of the treaty of 1830? A No sir.
 Q Did you ever hear of article fourteen of that treaty? A No sir.

The law which authorizes this Commission to hear the applications of persons claiming identification as Mississippi Choctaws is found in Section twenty one of the act of Congress of June 28, 1898, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

Choctaw Nation, on or before September 27, 1830, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

The treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians on September 27, 1830. At that time the Choctaws occupied a portion of the state of Mississippi, and a small portion of the state of Alabama, along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to a new country west of the Mississippi river and now known as the Choctaw Nation, Indian Territory. At the time the treaty was made a great many Choctaws did not want to come to this country, but preferred to remain in the old Choctaw Nation in Mississippi and Alabama, and for the benefit of that class of Indians, article fourteen, was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That fourteenth article required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama and take land under its provisions, he should do so within six months from the ratification of the treaty (Congress ratified the treaty on the 24th day of February, 1831) go before the government agent there in the old Choctaw Nation and signify to him that he wanted to remain and become a citizen of the states and wanted to take land under the provisions of that article. After having done that he was entitled as the head of a family to one section of land of six hundred and forty acres, to be bounded by sectional lines of survey, and for each child in his family over ten years of age and unmarried, he was entitled to three hundred and twenty acres, and for each child under ten to one quarter section or one hundred and sixty acres. The reservations of the children were to adjoin the location of the parent, and to include the improvements owned by the head of the family. After the Choctaw had secured his land he was required to live on it five years, after which a title in fee simple would pass to him and he could dispose of it as he wished. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity. That is, in case a Choctaw remained in the old Nation and complied with article fourteen

if he ever removed, he still retained the right of citizenship in the Choctaw Nation, Indian Territory, but did forfeit any right to participate in the annuity payments. The annuities were moneys that were being paid annually to the Choctaw tribe of Indians by the government under treaty provisions.

Q Is that the article under which you claim--that I have just read and explained to you? A Yes, I guess that is right.

Q What was the name of your Choctaw ancestor who lived in the old Choctaw Nation at the time this treaty was made, 27th of September 1830? A I don't know.

Q You claim your Choctaw blood from your father? A Yes sir.

Q Which one of his parents, father or mother, did he get his Choctaw blood from? A From his mother.

Q What was her name before she was married? A Her name was Mary Tubb.

Q Your father's age would indicate that Mary Petty was married and the head of a family in 1830? A Yes sir.

Q Was Mary Petty a recognized member of the Choctaw tribe of Indians at the time this treaty was made in 1830? A I don't know.

Q Did she ever comply or attempt to comply with any of the provisions of article fourteen which I have read and explained to you? A Not that I know of.

Q Did she own any improvements on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know whether she did or not.

Q Did she remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A Not that I know of; I don't think she did.

Q Did she within six months from the 24th day of February, 1831, that is the date on which Congress ratified this treaty, go before the government agent there in the old Choctaw Nation and let him know that she wanted to stay and take land under article fourteen? A I don't know.

Q Did she or any of your Choctaw ancestors ever receive any land from the United States government as beneficiaries under article fourteen? A Not that I know of.

In accordance with the provisions of article fourteen, the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all those Choctaws who wanted to remain and become citizens of the states and take land under its provisions. The records of the government show that this agent who was delegated to do this failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking land, and upon this account lands upon which Choctaws owned improvements and which they desired reserved for them under the provisions of this article were sold by the government at its public land sales. This caused numerous complaints, and these complaints finally reached Congress, and Congress under an act passed in 1838 and another act passed in 1842 authorized commissions to go into the old Choctaw Nation and investigate these complaints. These Commissions investigated a great many claims rejecting some and allowing others, and of the claims allowed, if after

approval by the Secretary of War it was found that the lands had not been sold by the government, the Choctaws were given them; if, however, it was found that the lands to which Choctaws established their claims under article fourteen before these Commissions had been sold, scrip was issued to the Choctaws in lieu of the lands which they had lost by having them sold by the government, and under this scrip they were entitled to locate upon vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

- Q Did Mary Petty your grandmother appear before either of these Commissions and establish or attempt to establish claim to land under article fourteen? A Never that I know of.
- Q Did she ever receive any scrip from the United States government for land to which she established claim under article fourteen? A I think not.
- Q Did they own any land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
- Q Did any of your Choctaw ancestors ever receive any land from the United States government as beneficiaries under article fourteen, or as Choctaw Indians? A None that I know of.
- Q Have you any relatives who have appeared before the Commission and made application for identification as Mississippi Choctaws? A Yes sir.
- Q What are their names? A Tubb.
- Q Your father has made application today? A Yes sir.
- Q Are you a son of Elisha Petty? A Yes sir.
- Q You get your Choctaw blood from the same source he does? A Yes sir.
- Q Are you related to Milton Ikard? A Yes sir.
- Q What relation? A Cousin.
- Q Do you desire your case to be made a part of the consolidated Mississippi Choctaw Case of Milton Ikard, et al.? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any papers, such as deeds or patents to land that you can file with the Commission that would tend to show that any of your Choctaw ancestors ever complied with the provisions or attempted to comply with the provisions of article fourteen? A No sir.
- Q Do you know of the existence of any such deeds or patents that would tend to show that any of your Choctaw ancestors ever received any land under article fourteen? A No sir.
- Q Have you any written evidence you want to file with the Commission today? A No sir.
- Q Are there any further statements you desire to make in support of your application? A No sir. I have seen my grandmother.

Applicant has dark brown hair, dark gray eyes, medium fair complexion, features and appearance of a person of white parentage. He has no knowledge of any act of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

- Q You say you have seen your grandmother? A Yes sir.

James R. Petty, et al., 6

Q Can you describe her? A She was a tolerable tall woman with high cheek bones; brown skin and dark complexion; was about all I recollect of her.

Q Do you know whether she spoke the Choctaw language or not? A No, sir, she did not.

By Mr Vaughan:

Q How many brothers and sisters have you? A Three.

Q Name them? A George W., Sheldin and Fannie Baggett.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 18 day of July, 1902

Guy L. V. Emerson
Notary Public

Miss. Choctaw R5143
Miss. Choctaw R5704
Miss. Choctaw R 5706

Muskogee, Indian Territory, June 12, 1908.

R. M. Vaughan,

Attorney at Law,

Hillsboro, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, inclosing certified copy of marriage license and certificate between J. R. Petty and A. O. Bates, offered in support of the application for identification as Mississippi Choctaws of James R. Petty, et al; certified copy of record of marriages of Elisha Petty to Mary E. Dew December 20, 1880, to H. E. Haynes June 17, 1888, and to Jane Birdwell March 20, 1858 from the family bible of Elisha Petty, offered in support of the application of Elisha Petty for identification as a Mississippi Choctaw, and the same have been filed with the records in the above named cases.

There was also inclosed with your letter of June 9, a certified copy of marriage license between E. H. Petty and Ida Mills, with the certificate of marriage blank, and the same is herewith returned to you. It also appears from the testimony of Sam H. Petty at the time he applied for the identification of himself and his two minor children as Mississippi Choctaws that his wife's name is Lena.

R.M.V. 2

and that he was married to her on July 1, 1898, evidence of which marriage was filed on May 16, 1902; he also states that she is the mother of his two children, Earl C. Petty, nine years old, and BWallie Petty, two years old, and that she and the children are living with him.

It will therefore be necessary to have some explanation of this matter.

Yours truly,

Commissioner in Charge.

AD 2-12

Miss. Choc. 5706

Muskogee, Indian Territory, July 17, 1902.

R. N. Vaughn,
Hillsboro, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing certified copy of marriage record between S. H. Petty and Ida Mills, and the affidavit of S. H. Petty, which you offer for filing in support of the application of S. H. Petty for the identification of himself and his minor children as Mississippi Choctaws; the same have been filed with the record in this case.

Yours truly,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5706

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

James R. Petty,

Hillsboro, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
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Alice M. Godfrey, et al.	M. C. R. 5229
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Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S.D.)

James D. Dwyer,

Chairman.

Registered.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 5706

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 1, 1905.

James R. Petty,

Hillboro, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.

No.

5706

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name

James R Petty

Age

40

Blood

1/16

Post-Office,

Millboro Texas

Father:

Elisha Petty

✓

Mother:

Elizabeth Jane " Neas

Claims through

wife

father

Alice Petty

✓

Claims for self & minor children

Children:

Lee

Petty

18

R Curtis

"

14

Norman

"

11

Eula

"

8

Thorny

"

(m)

7

S. H. Ristun

H. C. Ristun

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PUBLIC LANDS
FILED

MAY 29 1903

[Handwritten signature]

CHIEF CLERK

REGISTERED
MAY 27 1903
HILLSBORO, TEXAS

APR 27 1903

And notice

1847/9 511



James R. Petty,
Hillaboro, Texas.

Left no address

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, INDIAN TERR.

OFFICIAL BUSINESS

Penalty for private use, \$300.

REGISTERED
APR 25 1903
MUSKOGEE, INDIAN TERR.



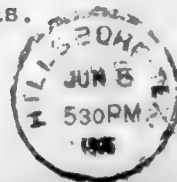
JUN - 7 1905

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3706

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MAY 5 ENT'D

James Petty,
Hillboro, Texas.



Choctaw MCR 5707

Shellburn Petty

See MCR 762

MCR 5707

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 28, 1902.

In the matter of the application of Shellburn Petty for the identification of himself and his two minor children, Janie and Claudie Petty, as Mississippi Choctaws.

Applicants represented by R. M. Vaughan, J. M. Givens,
and J. G. Ralls.

Shellburn Petty, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Shellburn Petty.
Q How old are you? A Twenty seven.
Q How much Choctaw blood do you claim? A One sixteenth, I think.
Q What is your post office address? A Armour, Texas.
Q Were you born in Texas? A Yes sir.
Q Have you lived there all of your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Elisha Petty.
Q How old is he? A He is seventy seven I think, somewhere along there.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Jane Petty.
Q How old would your mother be if she were living now? A I couldn't hardly tell; about sixty two I think.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States?
A Not that I know of.
Q Were your father and mother legally married? A Claimed to be.

MR VAUGHAN: We will present proof of the marriage of applicant's father and mother.

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Ida May.
Q Does she make any claim to Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you ~~xx~~ any children that you want to make application for?
A Two.
Q Then you apply for the identification of yourself and two minor children as Mississippi Choctaws? A Yes sir.
Q What are the names and ages of these children? A One of them is four years old.
Q What is the name? A Janie.
Q The next one? A He is two years old,--Claudie.
Q Boy or girl? A Boy.
Q Were you and your wife legally married? A Yes sir, supposed to be.
Q Have you evidence of that marriage? A No sir.

Mr VAUGHAN: We will ask leave to file that.

COMMISSION: Fifteen days time will be allowed for that purpose.

- Q Is your name or the name of either of your minor children to be found upon any of the tribal rolls in Indian Territory? A No sir.
Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
Q Did you in the year 1896 make application to the Commission for citizenship in the Choctaw Nation under the act of Congress of June 10 1896? A No sir.
Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application prior to this time for yourself and your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself and your two minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit creek in Mississippi between the United States government and the Choctaw tribe of Indians, September 27, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them then to a new country west of the Mississippi river now known as the Choctaw Nation, Indian Territory. At the time the treaty was made a great many of the Choctaws did not want to move to this country but preferred to remain in the old Nation, and for the benefit of that class of Indians, article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification

of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuities. That fourth article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions, he should within six months after the date of the ratification of the treaty by Congress, which was done on the 24th day of February, 1831, appear before the government agent there in the old Choctaw Nation, and in some way let him know that he wanted to remain and take land. After having done that he was entitled as the head of a family to one section of six hundred and forty acres of land to be bounded by sectional lines of survey. And for each unmarried child in his family over ten years of age, he was entitled to one half section, and for each child under ten years of age, he was entitled to a quarter section or one hundred and sixty acres; the reservations of the children to adjoin the reservation of the parent. And these reservations to include the improvements owned by the head of the family at the time the treaty was made, September 27, 1830. That article also required that after a Choctaw had received his land he should reside on the same for five years after which time the government would give him a title or deed, conveying to him a title in fee simple which would enable him to dispose of the land at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuities." That means that Choctaws who remained in the old Choctaw Nation and complied with this article by signifying their intention of remaining and taking land and residing upon the same for five years, if they ever removed did not forfeit their right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit any right to participate in the annuity payments. The annuities were money payments made to the Choctaws annually under treaty provisions.

Q Is that article which I have explained the one under which you claim? A Yes sir.

Q Do you understand that? A Yes sir, if I understand it she would be a citizen of this country.

Q You would have to establish the fact that you are a descendant of a Choctaw Indian who was a beneficiary under article fourteen--by beneficiary I mean one who complied with article fourteen--who remained in the old Choctaw Nation and took land from the United States government under article fourteen, or who established a claim under

article fourteen before one of the commissions appointed in 1836 or 1842 and whose claim was adjudicated favorably by these commissions ---What is the name of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 at the time this treaty was made---September 27, 1830? A Tubb, I believe.

Q Do you know his or her given name? A My understanding is George Tubb.

Q What relation would he be to you? A He would be a great uncle, I think.

Q You claim your Choctaw blood from your father, Elisha Petty?

A Yes sir.

Q Which one of his parents does he get his Choctaw blood from? A I can hardly answer that.

Q Are you a son of Elisha Petty who made application before this Commission today for identification as a Mississippi Choctaw? A Yes sir.

Q Do you derive your Choctaw blood from the same source that he does? A Yes sir.

Q Do you know anything about your ancestry beyond your father?

A No sir.

Q You know of no act of compliance on the part of any of your Choctaw ancestors with any of the provisions of article fourteen of the treaty of 1830? A No sir.

Q You have never seen or heard of there being in your family any deeds or patents to land which would tend to show that any of your ancestors ever complied or attempted to comply with the provisions of this article fourteen? A No sir.

Q Do you desire your case to be consolidated with and made a part of the consolidated case of which your father has asked his to be made a part, Milton Ikard, et al., M C R 7627? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

The applicant has reddish brown hair, fair complexion, dark gray eyes; features and appearance of a person of white parents. He has no knowledge of any act of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 25th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

M.C.R. 5707

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Shellburn Petty,

Armour, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

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Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
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Glen M. Robinson	M. C. R. 5924
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Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
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Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
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Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalana Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Meizy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Bureson, R. D. Bureson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Chairman.

M.C.R. 5707

Muskogee, Indian Territory, May 1, 1905.

Shellburn Petty,
Armour, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 30th day of April, 1903.

Respectfully,

Chairman .

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name

Shellburn Petty

Age

27

Blood

1/16

Post-Office,

Amarillo, Texas

Father:

Elisha Petty

✓

Mother:

Elizabeth Jane " Dear

Claims through

father

wife
Ida May Petty

✓

Claims for self & 2 minor children

Children:

Janie Petty

1

Claudie " (m)

2

H. B. Norton

Choctaw MCR 5708

Fannie Baggett

See MCR 762

MCR 5708

5708.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T. May 28, 1902.

In the matter of the application of Fannie Baggett for the identification of herself as a Mississippi Choctaw.

Applicant represented by R. M. Vaughan, J. M. Givens
and J. G. Ralls.

Fannie Baggett, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Baggett.
Q How old are you? A Thirty four.
Q How much Choctaw blood do you claim? A I don't know just how much.
Q What is your post office address? A Armour, Texas.
Q Were you born in Texas? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Elisha Petty.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth Jane Petty.
Q How old a man is your father? A He is seventy nine.
Q How old would your mother be if she were living? A Sixty six.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States?
A Not that I know of.
Q Were your father and mother legally married? A Yes sir.

Mr VAUGHAN: We would request fifteen days time in which to file evidence of marriage of applicant's father and mother.

Commission: The request of counsel for applicant is granted.

- Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A D. J. Baggett.
Q Does he make any claim to Choctaw blood? A No sir.
Q Do you make any claim for him? A No sir.
Q Have you any children for whom you wish to make application?
A No sir.
Q For make application for yourself alone? A Yes sir.

- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission, or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming a share in the lands of the Choctaw Nation Indian Territory under the provisions of article fourteen of the treaty concluded between the United States and the Choctaw tribe of Indians, September 27, 1830? A I don't understand anything about that.
- Q You are seeking to be identified as a Mississippi Choctaw? A The same as the Ikards do.
- Q Do you make application for identification as a Mississippi Choctaw? A Yes sir.
- Q What makes you think you are a Mississippi Choctaw? A Because I have been taught so.
- Q Do you make your application under any treaty between the United States government and the Choctaw Indians? A No sir.

This Commission is only authorized to hear the applications of persons claiming a share in the lands of the Choctaw Nation, Indian Territory, under the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830. The law vesting this Commission with that authority is found in Section 21 of the act of Congress of June 28, 1896 and is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior." The treaty of 1830 was entered into between the Choctaw tribe of Indians and the United States government at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of that treaty was to secure the removal of all of the Choctaws from that country to the new country west of the Mississippi river, now known as the Choctaw Nation, Indian Territory. At the time that treaty was made a great many Indians did not want to remove but wanted to remain in the old Choctaw Nation, and for the benefit of this class of Indians, article fourteen was put into the treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted

to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should within six months from the date Congress ratified the treaty, which was done on the 24th day of February, 1831, go before the United States Indian Agent, there in the old Choctaw Nation, and in some way let him know that he wanted to remain and take land under that article, and after having done that he was entitled as the head of a family to one section or six hundred and forty acres of land, and for each child over ten years of age and unmarried he was entitled to three hundred and twenty acres, and for each child under ten he was entitled to one hundred and sixty acres; the land reserved for the children to adjoin the land reserved for the parent, and to include any improvements owned by the head of the family at the date the treaty was made. That article also required that after a Choctaw had received his land he should reside on the same for five years after which the government would pass to him the title in fee, which would enable him to dispose of it at his pleasure. The last clause reads as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that the Choctaw who remained there and took land and resided on it five years, if he ever removed did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit any right to participate in the annuity payments, which was money paid to the tribe by the United States government every year.

- Q Do you base your claim upon that article fourteen? A Yes sir.
 Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Tubb.
 Q What was the given name? A George Tubb.
 Q What relation was he to you? A My great grandfather.
 Q You claim your Choctaw blood from your father, Klisha Petty?
 A Yes sir.
 Q Which one of his parents does he get his Choctaw blood from?
 A I don't know.
 Q Then you don't know anything about your ancestry farther back than your father? A No sir.
 Q Do you know how much Choctaw blood your father claims? A No sir.
 Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

- Q Never heard anything of it? A No sir.
Q Are you a daughter of Elisha Petty who made application for identification as a Mississippi Choctaw this morning? A Yes sir.
Q Do you want has case combined with yours and the evidence in his case considered as evidence in yours? A Yes sir.
Q Have you any documentary evidence, any papers that you want to file with the Commission? A No sir.
Q Have you any further statements you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has dark brown hair, dark gray eyes, medium fair complexion, the features and appearance of a person of white parents. She testifies that she has no knowledge of her Choctaw ancestors farther back than her father who is an applicant for identification as a Mississippi Choctaw, M. G. R. 5704 and asks that her case be combined with and considered as a part of hers. She has no knowledge of any act of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 18 day of July 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. L. STANLEY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 8708

ALLISON L. AYLESWORTH,
SECRETARY

A. AYLESWORTH, JR.,
COMMISSIONER IN CHARGE OF THE FIELD OFFICES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Fannie Baggett,

Armour, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
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Robert E. Ikard	M. C. R. 4458
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Mattie A. Tubb Johnson	M. C. R. 4333
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Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Fimis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hiop, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

TS

James D. Dwyer

Chairman.

Registered.

M. . . 5708

Muskogee, Indian Territory, May 1, 1905.

Fannie Baggett,

Armour, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name *Jannie Baggett*

Age *34* Blood *Went Knows*

Post-Office, *Armour Texas*

Father: *Elisha Pitty* ✓

Mother: *Elizabeth Jane* " was

Went through
Marion's father
W. J. Baggett ✓

Claims for self alone

Children:

H. B. Rist

Choctaw MCR 5709

Lydia E. Moore

See MCR 762

MCR 5709

5709.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 28, 1902.

In the matter of the application of Lydia E. Moore for the identification of herself as a Mississippi Choctaw.

Applicant represented by R.M. Vaughan, J.M. Givens,
and J. G. Ralls.

Lydia E. Moore, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lydia E. Moore.
Q How old are you? A Thirty two.
Q How much Choctaw blood do you claim? A I don't know sir.
Q What is your post office address? A Laredo, Texas.
Q How long have you lived there? A We lived there about sixteen years.
Q Were you born in Texas? A Yes sir.
Q Lived there all your life? A Yes sir.
Q Is your father living? A No sir, he is dead.
Q What was his name? A Klisha Moore.
Q How old a man would your father be if he were living? A About sixty.
Q Is your mother living? A Yes sir.
Q What is her name? A Jane A. Moore.
Q How old is she? A I don't believe I knew.
Q Through which one of your parents do you claim Choctaw blood?
A My father.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Were your father and mother legally married? A Yes sir.
Q Have you evidence of that marriage?

Mr VAUGHAN: We will ask fifteen days in which to file evidence of the marriage of applicant's father and mother.

COMMISSION: Granted.

- Q Are you married? A No sir.
Q You make application for yourself alone then, do you? A Yes sir.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of

Lydia Moore, e---2.

that tribe? A No sir.

Q Did you or any one for you make application in the year 1896 to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made application prior to the present time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time claiming a share in the lands of the Choctaw Nation, Indian Territory, under the provisions of article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A I don't know a thing about it.

The Commission is authorized to hear the applications of persons claiming a share in the lands of the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830, by the 21st section of the act of Congress of June 28, 1898, which is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior." That is the law under which the Commission is acting.

Q You are claiming as a Mississippi Choctaw, are you? A I don't know much about it.

Q Do you make a claim for a share of the lands of the Choctaw Nation Indian Territory? A Yes sir.

Q Upon what do you base that claim? A Mississippi, I suppose, I don't know.

I have quoted you the law under which the Commission is acting, and persons to be identified as Mississippi Choctaws must show they are descendants from Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama and who complied with the requirements of article fourteen. That is the basis of these claims called Mississippi Choctaw applications. This treaty of 1830 was entered into between the United States government and the Choctaw tribe of Indians September 27, 1830. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river, now known as the Choctaw Nation, Indian Territory. At the

time this treaty was made a number of the Choctaws did not want to remove but wanted to remain there in the old Choctaw Nation, and for their benefit article fourteen was made a part of the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of a family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is article fourteen of the treaty of 1830, and I have quoted you the law which empowers the Commission to hear the claims of Choctaw Indians who claim under that article.

Q Do you claim as a Mississippi Choctaw under that article? A I really don't know much about it.

Q You are applying for identification as a Mississippi Choctaw?

A Yes sir.

That article required that if a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama and take land under its provisions, he should within six months after the ratification of the treaty appear before the government agent and tell him or in some way let him know that he wanted to remain and take land under the provisions of article fourteen, and having done that he was entitled as a head of a family to a reservation of one section of six hundred and forty acres of land, and for each child in his family over ten and unmarried he was entitled to one half section or three hundred and twenty acres, and for each child under ten he was entitled to a quarter section or one hundred and sixty acres of land, the reservations of the children to adjoin the location of the parent and to include the improvements owned by the head of the family on the 27th of September, 1830. That article required that after a Choctaw had received his land, he should reside upon it for five years, after which time the government would give him a deed or title to it and he could dispose of the land at his pleasure. The last clause of that article reads as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that if a Choctaw remained in the old Choctaw Nation and accepted land and resided on it for five years, thereby complying with the requirements of article fourteen, he did not forfeit his right of citizenship in the Choctaw Nation, Indian Territory, but he did forfeit any right to participate in the Choctaw annuities, which were monies paid to the Choctaws annually under

treaty provisions.

- Q Do you base your claim upon article fourteen? A Yes sir.
- Q What was the name of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made? A I don't know.
- Q You claim your Choctaw blood from your father, Elisha Moore? A Yes sir.
- Q Which one of his parents did he get his Choctaw blood from? A His mother.
- Q What was her name? A Lydia Tubb was her maiden name.
- Q Which one of her parents did Lydia Tubb get her Choctaw blood from? A I don't know.
- Q Are you a sister of Aylmer Moore who made application for identification as a Mississippi Choctaw today? A Yes sir.
- Q Are you related to Elisha Petty who made application to day? A Yes sir, we are cousins.
- Q Do you derive your Choctaw blood from the same source? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors ever received any land from the United States government under article fourteen? A No sir.
- Q Did you ever see or hear of any deed or patent to land that would tend to show that any of your ancestors ever received land from the United States government under article fourteen? A No.
- Q You know nothing of your ancestors beyond Lydia Moore and do not know of any act of compliance on the part of your ancestors with article fourteen that I have explained to you? A No sir.
- Q Do you wish to have your case made a part of the consolidated Mississippi Choctaw case of Milton Ikard, et al., M.C.R. 762? A Yes sir.
- Q What relation was Milton Ikard to you? A His mother was my grandmother's sister.
- Q Do you speak or understand the Choctaw language? A No sir.

Applicant has dark brown hair, dark brown eyes, features and appearance of a white person. She has no knowledge of her ancestors beyond her grandmother and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Harry C. Risteen, having been first duly sworn, upon oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

M.C.R. 8709

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Lydia E. Moore,

Laredo, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewilie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Mezy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Ieba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Annie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Canuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, Jr., Aaron Moore, Duncan Moore, Halhe Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

M.C.R. 5709

Muskogee, Indian Territory, May 1, 1905.

Lydia E. Moore,

Laredo, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5709

For Identification as a Mississippi Choctaw.

MAY 28 1882

Date

Name Lydia E. Moore

Age 32 Blood Don't know

Post-Office, Laredo Tex.

Father: Eliska Moore Dead

Mother: Jane A. Moore ✓

Claims through father

Claims for self alone

Children:

Stenographer N. C. Ristun

Choctaw MCR 5710

Fannie Adella Moore

See MCR 762

MCR 5710

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 28, 1902.

In the matter of the application of Fannie Adella Moore for the identification of herself as a Mississippi Chectaw.

Applicant represented by R.M. Vaughan, J.N. Givens,
and J. G. Ralls.

Fannie Adella Moore, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Adella Moore.
Q How old are you? A Twenty seven.
Q How much Chectaw blood do you claim? A I hardly know.
Q What is your post office address? A Lareda, Texas.
Q Were you born in Texas? A Yes sir.
Q And lived in the state of Texas all your life? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Elisha Moore.
Q How old would your father be if he were living now? A I think he would be about seventy six, I am not right sure.
Q Is your mother living? A Yes sir.
Q What is her name? A Jane A. Moore.
Q How old is she? A Sixty four.
Q Through which one of your parents do you derive your Chectaw blood? A From my father; I think from both sides.
Q But you only make this claim through your father? A Through my father, yes sir.
Q What was the maiden name of your mother? A Jane A. Tubb.
Q Is she related in any way to the Tubb's through whom you are claiming descent? A Yes sir, she was a second cousin of my father.
Q What was your mother's father's name? A Jesse Tubb.
Q And what was her mother's name? A Sallie.
Q Is your mother's father living? A No sir.
Q Did she have any brother or sister? A Yes sir, several half brothers and sisters.
Q What are their names? A She has three half brothers and two half sisters; one named Jimmie Tubb, and one Jesse Tubb and one named William Tubb.
Q Have they ever been before this Commission for identification as Mississippi Chectaws? A No sir.
Q Where do they live? A Texas/
Q Do you know who Jesse Tubb gets his Chectaw blood from? A I think from his father.
Q What was his name? A George Tubb.
Q Then you claim that you derive your Chectaw blood from your father and mother? A Yes sir.

Pannie Adella Moore----2.

Q Have your father and mother ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Do you make this claim for identification as a Mississippi Choctaw for yourself alone? A For my own self.

Q You are not married? A No sir.

Q Were your father and mother legally married? A Yes sir.

Q Have you the evidence of that marriage?

Mr VAUGHAN: We will ask fifteen days in which to file legal evidence of the marriage of applicant's father and mother.

COMMISSION: Granted.

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.

Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time claiming rights in the Choctaw lands under the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into September 27, 1830, between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi. At the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi River, which is now the Choctaw Nation, Indian Territory. At the time the treaty was made, a great many of the Choctaws did not want to leave that country but preferred to remain there in what constituted the old Choctaw Nation, and for the benefit of this class of Indians, article fourteen was put into the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such

child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That article required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama and take land under its provisions, he should within six months from the date of the ratification of the treaty by Congress, which was done on the 24th day of February, 1831, go before the government agent there in the old Choctaw Nation, and signify to him their intention, that is tell him that they wanted to remain and become citizens of the states and take land under the provisions of article fourteen. After having done that he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, and for each child over ten years of age and unmarried he was entitled to one half section or three hundred and twenty acres, and for each child under ten he was entitled to a quarter section or one hundred and sixty acres; the reservations of the children to adjoin the reservations of the parent and to include any improvements owned by the head of the family at the date the treaty was made. That article also required that after a Choctaw had received his land, he should reside upon it for a term of five years, after which time the government would give him a title in fee simple, so that he could dispose of the land at his pleasure. The last clause of the article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who remained in the old Choctaw Nation and accepted land and resided on it for five years thus complying with the provisions of article fourteen did not forfeit his right to citizenship if he ever removed to the Choctaw Nation, Indian Territory, but did forfeit any right to claim any portion of the Choctaw annuity. The annuities were monies paid to the Choctaw tribe of Indians annually under treaty provisions with the United States government.

- Q You claim as a Mississippi Choctaw under that article? A Yes sir.
 Q Do you think you understand it as I have explained it? A Yes sir.
 Q What is the name of your Choctaw ancestors who lived in Mississippi or Alabama at the time this treaty was made? A I don't know.
 Q Do you know which one of your ancestors was married and the head of a family in 1830? A I don't know a thing about it at all.
 Q You know nothing about it as to whether they complied or attempted to comply with article fourteen? A No sir.
 Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A No sir.
 Q Do you know whether they owned any improvements on what constituted the old Choctaw Nation? A No sir.
 Q Have you ever seen or heard of any deed or patent to land which would tend to show that they complied or attempted to comply with the provisions of article fourteen? A No sir.

Q Did any of your ancestors remove from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A I don't know anything about it.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all these Choctaws who wanted to remain and take land under article fourteen. The records of the government show that this agent failed to register the names of a great many Choctaws who went before him and signified their intention to remain and take land and on this account the lands upon which Choctaws lived and which they wanted reserved for them were sold by the government at its public land sales. This caused a great many complaints, and these complaints finally reached Congress, and Congress by an act passed in 1837 and another act passed in 1842 authorized Commissions to go to Mississippi and Alabama and investigate these claims. A great many claims were investigated and of the claims allowed after approval by the Secretary of War and President if the lands had not been sold by the government the Indians were given them. If, however, Indians appeared before these Commissions and established claims to land, and it was found that the land had been sold, they were given scrip, and under this scrip they were entitled to locate on vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

Q Do you know whether any of your ancestors appeared before either of these Commissions and attempted to establish claims to land under article fourteen? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received any land from the United States Government as Choctaw Indians under article fourteen? A No sir.

Q Are you related to Lydia E. Moore? A Yes sir, sister.

Q And Aylmer Moore? A He is my brother.

Q They have made application today? A Yes sir.

Q You are related to Elisha Petty, also? A Cousin.

Q Are you related to Milton Ikard? A He is my second cousin.

Q Do you desire your case to be consolidated with and made a part of the consolidated case of all applicants claiming descent from the same common ancestor, George Tubb? A Yes sir.

(Reference is made to M. C. R. 762)

Q Do you ~~not~~ speak or understand the Choctaw language? A No sir.

The applicant has light brown hair, fair complexion, bluish gray eyes, features and appearance of a person of white parents. Has no knowledge of any act of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said

Fannie Adella Moore, 5

proceedings on said date.

Harry Christen

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5710

ALLISON L. AYLESWORTH,
SECRETARY

ATTENTION ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Fannie Adella Moore,

Laredo, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry*	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Anna Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Iylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lalayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

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R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Kate Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis, Jr., Sadie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Feola L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Hygiene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lyda A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Eda Robinson, Eda Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elsie F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Anzie Ikard, Eugene F. Ikard, Robertson Ikard, Snowville Ikard Camuse, Clee Ikard Harris, Alberine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sadie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrtle Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stambaek, Thomas G. Cole, Elsie T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mae L. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucas J. Tubb, Luther E. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Lester Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Force, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Harriet E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, Jr., Aaron Moore, Donora Moore, Hattie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw land under the provisions of said article fourteen of the treaty of 1821 between the United States and the Choctaw Indians, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Samuel D. May.

Chairman.

Registered.

M.C.R. 5710

Muskogee, Indian Territory, May 1, 1905.

Fannie Adella Moore,
Laredo, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No.

3710

For Identification as a Mississippi Choctaw.

Date

MAY 1891

Name *Jannie Adella Moore*

Age *27* Blood *Don't know*

Post-Office. *Laredo Texas*

Father: *Eliza Moore Dead*

Mother: *Sam A. Moore* ✓

Claims through *Father & Mother*

Claim for self alone

Children:

Stenographer

H. B. Austin

Choctaw MCR 5711

Jane A. Moore

See MCR 762

MCR 5711

5711.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 28, 1902.

In the matter of the application of Jane A. Moore for the identification of herself as a Mississippi Choctaw.

Applicant represented by R.M. Vaughan, J.M. Givens,
and J.G. Ralls.

Jane A. Moore, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Jane A. Moore.
Q What is your age? A Sixty four.
Q How much Choctaw blood do you claim to have? A I don't know.
Q What is your post office address? A Laredo, Texas.
Q Where were you born? A Noxubee county, Mississippi.
Q How old were you when you removed from Mississippi and where did you remove to? A Arkansas; I was nine years old.
Q And from Arkansas where? A Louisiana.
Q And from Louisiana? A To Texas.
Q And have resided in Texas since? A Yes sir.
Q Is your father living? A No sir, he is dead.
Q What was his name? A Jesse Tubb.
Q How old a man would he be if living now? A He was born in 1814.
Q Is your mother living now? A No sir, she is dead.
Q What was her name? A Grace Galloway.
Q Tubb was her married name? A Yes sir.
Q How old would she be if she were living now? A She was born in 1818.
Q Which one of your parents do you claim to derive your Choctaw blood from? A From my father's side.
Q Were your father and mother legally married? A Yes sir.
Q Have you evidence of that marriage? A Nothing, only I have the family record.

BY VAUGHAN: We will ask fifteen days in which to supply this evidence.

COMMISSION: Granted.

Q Are you married? A Yes sir.
Q Is your husband living? A No sir.
Q What was his name? A Elihu A. Moore.

- Q Did he make claim to Choctaw blood? A I don't know; they say he was, but I don't know.
- Q Have you any children unmarried and under the age of twenty one for whom you desire to make application. A No sir, I have only three children and they all there are grown.
- Q You claim for yourself alone? A Yes sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A Not that I know of.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of the treaty was the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river. At the time the treaty was made a great many Choctaws refused to come to this country, but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of this class of Indians article fourteen was put into the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty intending to become citizens of the states, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they

ever remove are not to be entitled to any portion of the Choctaw annuity." That article required that in case a Choctaw elected to remain in the old Choctaw Nation he should within six months from the ratification of the treaty by Congress appear before the government agent in the old Choctaw Nation and signify to him that he wanted to remain and become a citizen of the states and take land under the provisions of that article. After having done that he was entitled as a head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, and for each child in his family over ten years of age and unmarried he was entitled to one half section or three hundred and twenty acres of land, and for each child under ten he was entitled to one hundred and sixty acres; the reservations of the children to adjoin the reservation of the parent and to include any improvements owned by the head of the family on the 27th day of September, 1830, the date the treaty was made. The article also required that a Choctaw who received land should reside upon the same for a term of five years after which time the government would give him a title in fee simple which would enable him to dispose of it at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that if a Choctaw remained in the old Nation and took land and resided on the same for a term of five years, thereby complying with the requirements of article fourteen, if he ever removed did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit his right to participate in the Choctaw annuities. The annuities were moneys paid annually to the Choctaw tribe of Indians under treaty provisions.

Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation at the time this treaty was made? A My father lived there.

Q Was your father married and the head of a family September 27, 1830? A I don't believe he was.

Q Did you ever have any brothers or sisters older than yourself? A No, father was not married at that time.

Q Your grandfather was living there and was married and the head of a family at that time? A My grandfather was living there in Alabama.

Q If he was a Choctaw Indian residing there at the making of the treaty you could not base your claim upon a more remote ancestor--- You claim your Choctaw blood from Jesse Tubb? A Yes sir.

Q From which parent did he get his Choctaw blood? A His father, George Tubb.

Q Was George Tubb married and the head of a family in 1830? A Yes sir.

Q Did he live in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know.

Q Did he comply or attempt to comply with article fourteen? A I don't know anything about that.

Q Was he a recognized member of the Choctaw tribe of Indians in 1830? A I don't know that either.

Q Did he own any lands under cultivation upon which he had houses built? A Yes sir.

Q Do you know how he came into possession of that land? A I guess he bought it.

Q Did he within six months from the 24th day of February, 1831, appear before the government agent there in the old Choctaw Nation and signify to him his intention of remaining and taking land and becoming a citizen of the states? A I do not know.

Q Do you know whether he ever received or claimed any land from the United States government as Choctaw Indians under article fourteen? A I do not.

Q Did he remove from the old Choctaw Nation in Mississippi and Alabama between the years 1833 and 1838 to the Choctaw Nation Indian Territory when the main portion of the Choctaws removed? A No, he remained in Mississippi.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi and Alabama to register the names of all of those Choctaws who wanted to remain, take land under its provisions. The records of the government show that he failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking land, and on this account lands on which Choctaws lived and owned improvements, and which they desired reserved for them under article fourteen were sold by the government at its public land sales. This caused a great many complaints to be made by the Choctaws, and these complaints finally reached Congress, and Congress by an act passed in 1838 and another act passed in 1842 authorized Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims. A great many claims were investigated by these Commissions, some of which were allowed and others rejected. Of the claims allowed, after approval by the Secretary of War and the President, if the lands had not been sold by the government, the lands were given to the Indians; if, however, the land which the Choctaws claimed, and which they had established rights to before these commissions, had been sold, they were given scrip, and under this scrip they could locate vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did George Tubb appear before either of these Commissions and attempt to establish claims to land under that article? A I don't know.

Q Did he ever own land in Mississippi or Alabama? A He owned land in Alabama.

Q Do you know how he received that land? A No sir.

Q Do you know whether he got that land surrendering scrip in payment for the same? A No sir, I don't know.

Q Do you know whether he ever received any benefits from the United States government as a Choctaw Indian? A No sir, I never heard of it.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.

Q Have you ever seen or heard of the existence of any deed or patent to land that would tend to show that your ancestor ever received any land from the United States government under article fourteen? A No sir.

Q Have you any written evidence you want to file in support of your claim today? A No sir.

Q Is there any further statement you desire to make in support of this application? A I don't know, only my father was married in Neshubee county, Mississippi, I was born in Neshubee county.

Q Do you know where your grandfather was born? A No sir.

- Q Do you know how long he lived in Mississippi? A No sir.
- Q Do you know where he came from to Mississippi? A No sir, I never did make any inquiries.
- Q Do you know anything of the parents of Jesse Tubb's father, George Tubb? A No sir.
- Q How many sisters did you have--brothers and sisters? A Six living with myself.
- Q Will you give me their names please? A I am the oldest.
- Q The next one? A Nancy A. Tubb--she married a Tubb.
- Q Next one? A Jesse P. Tubb.
- Q Is that a man or woman? A Man.
- Q Next one? A James C. Tubb.
- Q Next one? A Fannie Knott.
- Q And the next? A W. G. Tubb.
- Q Have they appeared before the Commission? A No sir. One of them the youngest one is here today.
- Q Did Jesse Tubb, your father, have any brothers or sisters? A Yes sir.
- Q What are their names? A I don't know their names.
- Q Do you know some of them? A One of them was named Polly Blasingame; James Tubb was pa's oldest brother; Nancy Tubb, married Abbott, and then Fannie Abbott, and then William Tubb, and then my father; my father was the baby.
- Q Are you acquainted with Lafayette E. Ikard? A I know Milton Ikard and William Ikard.
- Q Are they related to you? A Yes sir.
- Q What was Milton Ikard's mother's name? A Isabel.
- Q What relation to Jesse Tubb? A Cousin.
- Q Are you related to Elisha Petty? A He and my husband were own cousins and then I was about a third cousin to him besides.
- Q You are mother of Aylmer Moore? A Yes sir.
- Q And Lydia E. Moore? A Yes sir.
- Q And Fannie A. Moore? A Yes sir.
- Q They derive their Choctaw blood from the same source that you do? A From their father's side and my side both.
- Q You derive your Choctaw blood from the same source that Elisha Petty and the Ikard family derive theirs? A Yes sir.
- Q Do you want to have your case consolidated with all the other applicants claiming through George Tubb? A Yes sir.

(Reference is made to M C R 762)

- Q Did your father speak or understand the Choctaw language? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

Applicant has hair brown mixed with gray, gray predominating; dark gray eyes, medium fair complexion. Has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

- Q Did you know your grandfather? A Yes sir.
- Q Did he speak or understand the Choctaw language? A I do not know sir, I was only a child when I seen him.
- Q Where did he die? A In Louisiana.
- Q What year did he move from Mississippi to Louisiana? A I wouldn't tell you, I don't remember.

Examination by Mr. Vaughan:

- Q When did he die? A I don't remember what year but it was before the civil war; my grandfather was very old, but I cannot remember the year?
- Q That was your grandfather Tubbs that you have reference to? A Yes sir.
- Q Where was he living in 1830? A I don't know, that was before I was born.
- Q Where did you understand from family history and tradition-where he lived? A I think he lived in Alabama or Mississippi, I can't remember which; I was born in Mississippi.
- Q When did you leave Mississippi? A I was nine years old when I left Mississippi.
- Q Where did you go to? A Arkansas.
- Q How long did you stay there? A Two years.
- Q You were eleven when you left Arkansas? A Yes sir.
- Q Where did you go to from there? A Louisiana.
- Q How long did you live there? A I lived there quite a while but I don't remember how long.
- Q You married before or after you were twenty one? A Before.
- Q How long before? A I was only fifteen when I was married.
- Q You were married four years after you left Arkansas? A Yes sir.
- Q How long did you live in Louisiana after you were married? A I didn't live there any time; we moved back to Arkansas just after we were married.
- Q And where did you remove then? A To Texas.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 18 day of July 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, July 24, 1902.

Jane A. Moore,

Larado, Texas.

Dear Madam:

The Commission is today in receipt of a letter from Ardmore, Indian Territory, under date of July 19, 1902, presumably written from the office of one, J. E. Arnold, with which is enclosed a certified copy of the marriage license and certificate of Jesse Tubb and Gracy C. Callaway with the request that the same be filed with and made a part of the application of Jane A. Moore to be identified as a Mississippi Choctaw.

The letter referred to is signed by you but it is presumed by the Commission that the same was prepared and submitted to this office by one, J. E. Arnold.

The certified copy of the marriage license and certificate enclosed in the above described letter is returned to you herewith with the information that this Commission in no manner recognizes J. E. Arnold as an attorney or agent to represent claimants before this Commission in the prosecution of their applications for identification as Mississippi Choctaws and has further to advise that if you will submit the certified copy of the marriage license and certificate returned to you herewith, the

J A M 2

same will receive proper consideration. We cannot however, recognize any actions of J. E. Arnold in the prosecution of the claims of applicants for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

Enc Y 78 .

M O R 5711.

Muskogee, Indian Territory, August 11, 1902.

Jane A. Moore,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 31st ult., addressed to the Secretary of the Interior, enclosing certified copy of marriage record between Jesse and Gracy C. Callaway, offered for filing in support of the application made by you for identification as a Mississippi Choctaw. Your letter has been referred to this Commission for consideration and appropriate action.

You explain the use of the letter heads of J.E. Arnold in corresponding with the Commission and state "that the Commission continue to address me at Laredo, Texas; that is no longer my address."

In reply, you are informed that at the time you made your application for identification as a Mississippi Choctaw, you gave Laredo, Texas, as your post office address, and the Commission has not been notified of any change.

A proper record is now made of the change of your post office address to Ardmore, Indian Territory.

JAN 2

The certified copy of marriage record has been filed
with the record in your case.

Yours truly,

Acting Chairman.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING

M.C.R. 5711

ALLISON L. AYLESWORTH,
SECRETARY

ALLIED ONLY ONE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Jane A. Moore,

Laredo, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
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Mattie A. Tubb Johnson	M. C. R. 4333
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Daniel W. Tubb	M. C. R. 4343
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Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenvon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burseson, R. D. Burseson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Anzie Ikard, Eugene F. Ikard, Robertson Ikard, Suswille Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Eda Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

V.C.R. 5711

Muskogee, Indian Territory, May 1, 1905.

Jane A. Moore,

Ardmore, Indian Territory,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

MAY 28 1902

Name

Jane A. Moore

Age

62

Blood

Don't know

Post-Office,

Saredo Texas

Father:

Jesse Tubb

Dead

Mother:

Grace "

Dead

Claims through
Husband

father

Elisha A. Moore

Dead

Claims for self alone

Children:

Stenographer V. B. Risher

Choctaw MCR 5712

William G. Tubb

See MCR 762

MCR 5712

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 28, 1902.

5712

In the matter of the application of William G. Tubb for the identification of himself and his two minor children, Aubrey E. and Bessie K. Tubb, as Mississippi Choctaws.

R.M. Vaughn, J.G. Ralls and J.M. Givens, attorneys for applicant.

William G. Tubb being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William G. Tubb.
Q What is your age? A Forty four.
Q How much Choctaw blood do you claim? A I hardly know; I think it is about an eighth or a sixteenth; I don't know which.
Q Well, can't you say? A I think it is about either an eighth or a sixteenth; I don't remember which.
Q You won't say whether it is an eighth or a sixteenth then? A No sir, I don't know for certain.
Q Then you don't know how much Choctaw blood you really do claim? A No sir.
Q What is your post office address? A Reagan, Falls County, Texas.
Q Were you born in Texas? A No sir, Louisiana.
Q Moved from Louisiana to Texas? A Yes sir.
Q And have lived in Texas since? A Yes sir.
Q Is your father living? A My father's dead.
Q What was his name? A Jesse Tubb.
Q How old a man would he be if living now? A He would be about 68.
Q Is your mother living? A No sir.
Q What was her name? A Sarah.
Q How old would she be if living now? A She was born in 1824; that would make her 76.
Q Through which one of your parents do you claim Choctaw blood? A Father.
Q Were your father and mother legally married? A Yes sir.
Q Have you evidence of that marriage? A No sir.

Attorney for applicants ask for fifteen days time in which to furnish legal proof of the marriage of father and mother of this applicant. It is granted.

Q Are you married? A Yes sir.
 Q Is your wife living? A Yes sir.
 Q What is her name? A Emma.
 Q Is she a white woman? A Yes sir.
 Q Do you make any claim for her? A No sir.
 Q Have you any children under twenty one and unmarried for whom you desire to make application? A Yes, two under twenty one.
 Q You claim them for yourself and two minor children? A Yes sir.
 Q What are the names and ages of these children? A Aubrey E. Tubb.
 Q How old is he? A Sixteen.
 Q Is that a boy or girl? A Boy.
 Q The next one? A Bessie K.
 Q How old is she? A She is eight.
 Q Now have you any children over twenty one? A Yes sir.
 Q What are the names? A John D. twenty two.
 Q Married? A Yes sir.
 Q Any children? A One.
 Q What is the name of that child? A Named after me; William G.
 Q Any other children over age? A No sir.
 Q What's the entire family is it? A Yes sir.
 Q Has your married son ever been before the Commission and made application? A No sir.
 Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe in the Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A No sir; not that I know of.
 Q Is your name or the name of your children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory?
 A No sir.
 Q Did you or anyone for you or your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
 Q Did you or anyone for you or your minor children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Have you ever made application for yourself or your minor children prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
 Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of the fourteenth article of the treaty between the United States Government and the Choctaw tribe of Indians concluded September 27, 1830? A Yes sir.

This treaty was entered into as stated on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western

boundary line; the object of the treaty was to secure the removal of all the Choctaw Indians from the country they then occupied to the new country which is now the Choctaw Nation, Indian Territory: at the time the treaty was drawn many Choctaw Indians didn't want to come but preferred to remain in the old Choctaw nation. That article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw elected to remain in the old Choctaw Nation and become a citizen of the States and take land under its provisions that he should within six months from the date of the ratification of the treaty by Congress which was the twenty-fourth of February 1831 appear before the government agent there and signify to him, that is let him know in some way, that he wanted to remain in Mississippi, take land there and become a citizen of the States, after having done that he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land and for each child in his family unmarried and over ten years of age he was entitled to one half section of land or three hundred and twenty acres and for each child in his family under ten years of age he was entitled to one-quarter section or one hundred and sixty acres; the reservations of the children to adjoin the reservations of the parents and to include any improvements owned by the head of the family in 1830 when the treaty was made. The article also required that he should reside upon said lands for five years after which a deed or patent or title in fee simple would be given him after which he could dispose of his land at his pleasure. The last clause is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means those Choctaws who remained and accepted land and resided upon the same the required length of time thereby complying with the fourteenth article requirements if they ever removed they did not forfeit any right in the Indian Territory that they might have but did forfeit any right to participate in the Choctaw annuity payments, that is Choctaw yearly payments of money to the members of the tribe.

Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama September 27, 1830 at the time the time of the making of the this treaty? A I don't know what time; my father lived in Mississippi and Alabama; he was married in Miss-

issippi.

- Q Do you know what year he was married? A No sir, I don't know; he was married twice in Mississippi, in Neshubbe County.
- Q Was your mother his second or first wife? A Second. His first wife's name was Jane.
- Q Are you a brother of Mrs. Jane A. Moore who made application here today? A I am a half brother.
- Q She gave her mother as Grace Tubb. A Well, I thought it was Jane; I won't be positive.
- Q Your mother, however, was the second wife of Jesse Tubb? A Yes sir.
- Q You derive your Choctaw blood from your father, Jesse Tubb? A Yes sir.
- Q Now, whom did he get his Choctaw blood from, his father or mother? A His father.
- Q What was his father's name? A George Tubb.
- Q Was George Tubb married and head of a family in 1830? A Yes sir.
- Q Where did he live at that time? A I can't tell you; I don't know.
- Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi or Alabama at that time? A I don't know.
- Q Did he own an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama at that time? A He lived there and owned a place.
- Q Do you know whether he lived there in 1830 or not? A I am satisfied he did for my father was born in 1813 in Mississippi I think.
- Q Did George Tubb own an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama in 27th September 1830? A I don't know.
- Q Did he own lands in the State of Mississippi or Alabama- George Tubb
- A I think so.
- Q Know how he came into possession of that land? A No sir.
- Q Did he within six months from February 24, 1831, appear before the United States Indian agent, Col. Ward, Col. Wm. Ward, and signify to him his intention of remaining in the old Choctaw Nation in Mississippi and taking land there and becoming a citizen of the States and complying with the requirements of this fourteenth article of this treaty which I have read and explained? A I don't know sir.
- Q Did any of your Choctaw ancestors, or did George Tubb, ever receive or claim any land from the United States Government as beneficiaries under article fourteen? A Not that I know of. I have never heard my father speak of it.

In accordance with the provisions of article fourteen the Government directed an agent in the old Choctaw Nation to register the names of all Choctaws who wanted to stay and take lands under its provisions: the records of the Government show that this agent failed to register the names of a great many Choctaw Indians who went before him and signified their intention to stay and take advantage of that treaty, and on this account lands which the Indians wanted reserved for them were sold by the United States: this caused many complaints and these complaints finally reached Congress and Congress by an act passed and approved in 1838 and another in 1842 authorized Commissions to go into the State of Mississippi and investigate the claims of these Choctaws; these Commissions investigated a large number of claims, some of which they allowed and others they rejected: of the claims allowed, after approval by the Secretary of War and the President, if it was found that the lands to

which the Indians set up claims and established before these Commissions had not been sold they were given them- if, however, the lands had been sold they were given scrip in lieu of the lands which they lost by being sold; under this scrip they were entitled to locate on vacant Government land in Mississippi, Alabama, Arkansas or Louisiana.

Q Did George Tubb appear before either of these Commissions and attempt to establish claims to lands under article fourteen of the treaty of 1830? A I don't know.

Q Do you know whether he received any scrip from the United States Government in lieu of the lands to which he established claims before either of those Commissions? A I never heard of it.

Q Do you know of the existence of any deed or patent to land that would tend to show that George Tubb or any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.

Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Did any of your Choctaw ancestors receive any benefits as Choctaw Indians from the United States Government? A Not that I know of.

Q Have you any documentary or written evidence, in shape of affidavits or anything of that kind, you want to file today in support of your claim? A No sir, I haven't any papers at all.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any statement you desire to make yourself? A No sir.

The applicant has brown hair, medium fair complexion, dark gray eyes; features and appearance of a person of white parentage; has no knowledge of any act of compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

(to attorney)

Q Anything you want to ask, Mr. Vaughn? A I believe that's all.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on May 28, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 12th day of June, 1902.

Charles H. Sawyer

Notary Public.

TAMM BEACH,
THOMAS H. NEEDLES
C. R. BRIDGEMAN
W. I. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO COPY TO THE FOLLOWING

M.C.R. 8712

ALLISON AYERSWORTH
SECRETARY

COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

William G. Tubb,

Reagan, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Anna Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubbs, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewilie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

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Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Mima Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waitrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Ilylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Snewell Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hatlie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. H. D.)

Registered.

Chairman.

M.C.R. 5712

Muskogee, Indian Territory, May 1, 1905.

William G. Tubb,

Reagan, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman:

No.

3712
5712

For Identification as a Mississippi Choctaw.

Date MAY 28 1902

Name William G. Tubb

Age 44 Blood ~~not~~ don't know

Post-Office, Reagan Texas

Father: Jesse Tubb Dead

Mother: Sarah Tubb Dead

Claims through
wife father
Emma Tubb ✓

Claim for self + 2 children

Children:

Aubrey E Tubb 16(20)

Bessie K " 8

Choctaw MCR 5713

Maude F. Clark

See MCR 4006

MCR 5713

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#3713.

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In the matter of the application of Maude Florence Clark
for the identification of herself and her minor child, Irene L.
Clark, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

Maude Florence Clark being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A Maude Florence Clark.
Q What is your age? A Twenty-two.
Q What is your post office address? A Bald Knob, Arkansas.
Q Is that all one word, one name? A Two names.
Q How long have you lived there? A I have lived there twenty-one years.
Q Where were you born? A Clear Water, Arkansas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Lawrence J. Dumas.
Q What is your mother's name? A Cassie A. Dumas.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw Tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Have you with you the evidence or proof of the marriage of your father and mother? A No sir.
Q Do you know when and where they were married? A Yes sir, at Bellefontaine, Mississippi.
Q Do you remember the day of the month? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A J. F. Clark.
Q He's living is he? A Yes sir.
Q Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for? A Yes sir, one.
Q What is the name of that child? A Irene L. Clark.

#2.

- Q How old is she? A Six months.
Q J. F. Clark is the father of this child is he not?
A Yes sir.
Q And you and he and your child are living together at your home?
A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation at any time previous to this present application made by you now? A No sir.
Q You never have been enrolled have you as a citizen of the Choctaw Nation by any authority whatever? A No sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
Q What is the name of your ancestor that you claim your right to be identified through? A Elizabeth Brashear.
Q She married whom? A E. W. Dumas.
Q How much Choctaw blood did she have? A A quarter.
Q Do you know whether she or any of your Choctaw ancestors complied with the provisions of article fourteen of the treaty of 1830? A I don't know.
Q How old would she be if living now? A I don't know.

#3.

- Q Did she live in the old Choctaw Nation in Mississippi or Alabama in the year 1830? A Yes sir, I think she did.
- Q Was she the head of a family there then? A I don't know.
- Q Did she or any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

In 1837 and also in 1842, by various acts of Congress Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made a list of all that appeared before each one of them, respectively. The reason why these Commissions were appointed was because of the complaints of a great many Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified; in order to comply with article fourteen of the treaty of 1830 it was necessary for them to go to the United States Indian Agent within six months after the ratification of that treaty and register under article fourteen. A great many Indians did this but Colonel Ward failed to put their names upon the list made by him. His failure to do this caused them to lose their land in the old Choctaw Nation, together with the improvements upon it, for both were taken from them by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under the act of Congress of August 23, 1842, and was given to those Indians who proved their right under article fourteen and also proved that their land had been taken from them by the government.

- Q Who is Scott S. Dumas; what relation to you? A My cousin.
- Q Do you want to have the testimony in his case and also the testimony given by relatives of yours where they made application, all considered with your testimony? A Yes sir.

The case of Scott S. Dumas et al., M C R 4006, is here referred to for the purpose of consolidation.

#4.

- Q Do you speak Choctaw? A No sir.
Q Is there anything further you want to say in support of this claim? A No sir.

By attorney Ralls:

- Q Elizabeth Dumas, whose maiden name was Brashear, was your great-grandmother? A Yes sir.
Q You got your Indian blood from your father and he got his Indian blood from his father; his father was a son of Elizabeth?
A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, she has gray eyes, medium fair complexion, brown hair, doesn't speak or understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Albert C. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 6th day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R5713

Muskogee, Indian Territory, July 12, 1902.

J. G. Ball,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 9, inclosing certificate of A. B. Bailey, Clerk of Webster County, Mississippi, relative to the destruction of all marriage records of that county prior to 1874, which you offer in support of the application of Maude P. Clark, et al. for identification as Mississippi Choctaws and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Miss. Choctaw 5713.

Muskogee, Indian Territory, September 24, 1902.

J. C. Ellis,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, inclosing affidavit of Sarah O. White, relative to the marriage of Lawrence J. Dumas to Miss Cassie A. Meris, in Choctaw County, Mississippi, August 5, 1867, which you offer in support of the application for identification as Mississippi Choctaws of Wm. F. Clark, et al. The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5713.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Maude F. Clark,

Bald Knob, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4810
Minnie H. Nicols, et al.,	M. C. R. 4812
Mary C. McLeod, et al.,	M. C. R. 4818
Hattie E. Andrews, et al.,	M. C. R. 4814
Charlie T. Skinner, et al.,	M. C. R. 4815

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakoy, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Dumron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Dumron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Chaudin May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Eanis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughlass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glennan W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamou Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(s. D.)

W. H. Dumas.

Chairman.

Registered.

MCR 5713

COPY.

Muskogee, Indian Territory, January 22, 1906.

Maude F. Clark,

Bald Knob, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

James H. H. H.

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name Maude F. Clark

Age 22 - Blood 1/32

Post-Office, Bald Knob, Ark.

Father: Lawrence J. Lemmar, d

Mother: Carrie A. " l

Claims through

father - -
J. F. Clark, l. w.

No claim for
husband

Children:

Irma L. Clark, 6 m

claim for self
and children

Stenographer A. L. McMillan

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1871

J. E. S. 1871

Choctaw MCR 5714

Claude A. Grantham

See MCR 4006

MCR 5714

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 29th, 1902.

#5714.

-----oOo-----

In the matter of the application of Claude A. Grantham for the identification of himself and his minor child, Claudia May Grantham, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

Claude A. Grantham being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Claude A. Grantham.
Q What is your age? A Thirty-two.
Q What is your post office address? A Blackhawk, Mississippi.
Q How long have you lived there? A Four years and a half.
Q Where were you born? A Vaiden, Mississippi.
Q Have you always lived in Mississippi? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Grantham.
Q What is your mother's name? A Her name is now Mary E. Carothers.
Q She made application to be identified as a Mississippi Choctaw May 28th, did she not, before the Commission? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized as a member of the Choctaw tribe of Indians or enrolled as such by the Choctaw tribal authorities or by the authorities of the United States in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Her name is Margaret E. Grantham.
Q She's living is she? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A No sir.
Q She's a white woman? A Yes sir.
Q You don't make any claim for her then? A No sir.
Q How many children did you say you had? A One.
Q What is the name of that child? A Claudia May.
Q How old is she? A Nine months old.
Q Is Margaret E. Grantham the mother of Claudia May?
A Yes sir.
Q Were either you or your wife married before you married each other? A No sir.

#2.

- Q When and where were you married to her? A Vaiden, Mississippi
Q What date? A July 15, 1900.
Q By a minister under license? A Yes sir.
Q Have you that certificate with you now? A No sir, I can get it though.
Q Is your name on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation previous to this application either to the Choctaw tribal authorities or the United States authorities? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
A Elizabeth Brashear; that's her maiden name----Elizabeth Dumas.
Q Did she or any of your Choctaw ancestors comply with article fourteen of the treaty of 1830? A I don't know sir.
Q Elizabeth Brashear married E. W. Dumas? A Yes sir.

#3.

- Q And what relation was she to you? A My great-grandmother.
Q How much Choctaw blood did she have? A Quarter.
Q Did she understand the Choctaw language, or did she have an Indian name? A I don't know sir, whether she did or not.
Q You claim through your mother do you not? A Yes sir.
Q She has always lived in Mississippi? A Yes sir.
Q Do you know whether Elizabeth Dumas lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A I have been told so; I don't know.
Q You have been told that in the family? A Yes sir.
Q Do you know anything about a family of children that she had living with her in Mississippi in 1830, or was it Alabama?
A It was Mississippi; I don't know.
Q You don't know anything about the children? A No sir.
Q How many there were and who they were? A No sir.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, I don't know.
Q Do you know where in Alabama or Mississippi she lived in 1830?
A No sir.
Q Did any of your Choctaw ancestors own any improvements on land either in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states?
A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40?
A I don't know.

The Choctaw Indians who refused to go to the Choctaw Nation, Indian Territory, under the treaty of 1830 with the other Indians, but elected to stay in Mississippi and Alabama, were required, in order to take advantage of the provisions of that article fourteen, to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. The result of this neglect caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements, to lose them both, for the government took them and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, and in 1842, by an act approved August 23rd of that year, Commissions were appointed; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians?

#4.

- A I have been told so, but then I don't know.
- Q Do you remember just exactly what you have been told about it; how the information came to you? A I have heard my mother speak about it, and seems to me like she said something about them going to Aberdeen, Mississippi.
- Q Do you know what year that was? A No sir.
- Q Do you know whether it was Elizabeth Dumas that went to Aberdeen or went before either of these Commissions? A No sir, I have been told that she went to Aberdeen---Elizabeth Brashear.
- Q But you don't remember when? A When? No sir, I don't.
- Q And for what purpose? A I have been told that she went to register.
- Q To register as a Choctaw Indian? A Yes sir.
- Q You don't remember anything more about it? A No sir.
- Q Did you ever hear that Colonel Wm. Ward was at Aberdeen at that time, or was it one of the Commissions sitting there at that time? A I don't know sir, I just heard my mother talking about it.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them and sold? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q What relation is Scott S. Dumas to you? A Cousin.
- Q Do you want to have his case and the case of your mother and all other relatives who claim through the same common ancestor considered with yours? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, hair and mustache are a reddish color, blue eyes, light complexion, does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 6 day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R5714

Muskogee, Indian Territory, June 7, 1902.

J. C. Balls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 5, 1902, inclosing certified copy of the marriage license and certificate between Claude A. Grantham and Bettie Dulin, which you offer in support of the application for identification as Mississippi Choctaws of Claude A. Grantham, et al. It appears from the testimony of Claude A. Grantham at the time he made application to this Commission that his wife's name was Margaret E. Grantham, while the marriage license and certificate inclosed shows the name of the wife to be Bettie Dulin or Grantham. The evidence of marriage is herewith returned to you and you are requested to advise the Commission as to the difference in names as shown by the testimony of the applicant, and the certified copy of marriage license and certificate.

Yours truly,

AB 2-7

Miss. Choctaw R5714

Muskogee, Indian Territory, June 20, 1902.

J. C. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 17, inclosing certified copy of marriage license and certificate between Claude A. Grantham and Miss Bettie Dulin, together with affidavit of Claude A. Grantham as to the difference in names, which you offer in support of the application for identification as Mississippi Choctaws of Claude A. Grantham, and the same have been filed with the record in that case.

Yours truly ,

Commissioner in Charge

COMMISSIONER
JAMES BERRY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RETURN IN REPLY TO THE FOLLOWING

M. C. R. 5714.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

PLEASE PRINT NAME AND ADDRESS ONLY THE
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

Claude A. Grantham,

Blackhawk, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4318
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Mujie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missientah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Gray.

Chairman.

Registered.

MCR 5714

Muskogee, Indian Territory, January 22, 1906.

Claude A. Grantham,
Blackhawk, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and children as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Samuel*

107
Commissioner.

No. 5714

For Identification as a Mississippi Choctaw.

Date MAY 24 1902

Name Claude A. Grantham,

Age 32 Blood 1/32

Post-Office, Blackhawk, Miss.

Father: John Grantham, d.

Mother: Mary E. Carothers, d.

Claims through mother

wife: Margaret E. Grantham, l.w.

No claim for wife -

Children:

Claudia May " 9 m.

Claims for sep &
children -

Stenographer A. G. McMillan



Choctaw MCR 5715

Murat Dumas

See MCR 4006

MCR 5715

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#5715.

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In the matter of the application of Murat Dumas for the identification of himself and his minor child, Eugene Dumas, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

Murat Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Murat Dumas.
Q What is your age? A Twenty-four.
Q What is your post office address? A Bald Knob, Arkansas.
Q Where were you born? A In Little Red, Arkansas, White County.
Q Have you always lived in Arkansas? A Yes sir, well not always.
Q Where did you live out of the state of Arkansas? A Mississippi.
Q Where in Mississippi? A Minot, Mississippi.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q What was your father's name? A M. F. Dumas.
Q What is your mother's name? A Margaret Dumas.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Can you tell when your father and mother were married?
A No sir.
Q Have you the evidence of that marriage with you now? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Texas Dumas.
Q Is she living? A Yes sir.
Q White woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for?
A Yes sir, I have one.
Q What is the name of that child? A Eugene Dumas.
Q How old is Eugene? A About six weeks old.

#2.

- Q You make claim for yourself and this child? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation previous to this present application to any authority whatever, either the United States authorities or the Choctaw tribal authorities? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think so.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted in any way to comply with the provisions of that article of that treaty? A No sir, I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear.
- Q Married E. W. Dumas? A Yes sir.
- Q Was he a white man? A Yes sir.
- Q How much Choctaw blood did Elizabeth Brashear have?
- A Quarter.

#3.

- Q Did she live in Mississippi in 1830? A Yes sir.
Q Did she have a family there then? A Yes sir.
Q Was she the head of a family in 1830? A Yes sir.
Q Do you get that fact from family history and tradition?
A Yes sir.
Q You have no records to show that? A No sir.
Q How old would she be if living now do you know? A No sir,
I don't.
Q Do you know where she was born and when and where she died?
A No sir.
Q Did any of your Choctaw ancestors own any land or claim any
land in the old Choctaw Nation in Mississippi and Alabama under
article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land
in Mississippi or Alabama in the old Choctaw Nation in 1830?
A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Na-
tion east of the Mississippi river to the Choctaw Nation, Indian
Territory, with the other Indians between 1833 and 1838?
A I don't know.
Q Did any of your Choctaw ancestors, within six months after the
ratification of the treaty of 1830, go to the United States
Indian Agent, Colonel Ward, and tell him that they wanted to
stay in Mississippi, take land there and become citizens of the
states? A I don't know.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent within six months after the ratification of the treaty, and signify their intention of remaining in Mississippi, taking land there and becoming citizens of the states. A great many attempted to register under article fourteen of the treaty of 1830, whose names the Indian Agent failed to put upon his list known as Ward's Register. His failure to do so caused these Indians to lose their land in Mississippi and Alabama in the old Choctaw Nation, for it was taken from them, with their improvements, and sold at the public land sales of the government. Because of the complaints that were made two Commissions were appointed by Congress, one in 1837 and the other in 1842; these Commissions heard all claimants who were Mississippi Choctaws and who presented claims under article fourteen of the treaty of 1830, and made lists of all Indians appearing before each one of them respectively.

- Q Do you know whether any of your ancestors appeared upon these lists made by the Commission of 1837 or the Commission of 1842?
A I don't know.
Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas?
A I don't know.

#4.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to Choctaw Indians who proved their rights under article fourteen and also proved that the government had taken their land from them and sold it.

- Q What relation is Scott S. Dumas to you? A Cousin.
Q Do you want to have his case and the cases of all other relatives who made application to be identified as Mississippi Choctaws claiming through the same common ancestor considered with yours? A Yes sir.
Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, light brown hair, he doesn't understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

- Q Are you related to Elizabeth Brashear? A Yes sir.
Q What relation was she to you? A My great-grandmother.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 6 day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Chootaw 5715

Muskogee, Indian Territory, June 11, 1902.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, inclosing certified copy of marriage license and certificate between B. M. Dumas and Texas Roberts, together with an explanatory affidavit which are offered in support of the application of Murat Dumas, et al for identification as Mississippi Chootaws, and the same have been filed with the record in this case.

Yours truly,

Commissioner in charge.

Miss. Choctaw R5715

Muskogee, Indian Territory, June 13, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of June 13, inclosing certificate of H. A. Smith, County Clerk of White County, Arkansas, to the effect that he can find no record of the marriage of W. F. Dumas and Maggie Vanhooser, and the affidavits of Fannie Kelley and J. J. Dumas to the marriage of the said parties in White County, Arkansas, November 6, 1873, and the same have been filed with the records in the case of Murat Dumas, et al., applicants for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIKBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

8715.

M. C. R.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Murat Dumas,

Bald Knob, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4638
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Dameron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Dameron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glena W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barton, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

James D. Dancy,

Chairman.

Registered.

MCR 5715

Muskegee, Indian Territory, January 22, 1906.

Murat Dumas,

Bald Knob, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and child as Mississippi Choctaws, is a part.

Respectfully,

RED

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 2 : 1902

Name Murat Rumses.

Age 24

Blood

1/32

Post-Office, Bald Knob, Ark.

Father: M. F. Rumses d.

Mother: Margaret " l.

Claims through father
 wife Texas Rumses, l. w.
 No claim for wife

Children:

Eugene Rumses, 6 weeks.

Claims for next 2
 children -

Stenographer A. H. McMillan

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Murat Nomas in the matter of his appli-
cation for the identification of himself and his minor child as
Mississippi Choctaws, M.C. 5715.

J. F. Ralls

Dated at Muskogee, Indian
Territory, June 30, 1902.

Choctaw MCR 5716

Lula A. Dumas

See MCR 4006

MCR 5716

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#5716.

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In the matter of the application of Lula A. Dumas for the identification of herself as a Mississippi Choctaw.

J. G. Ralls attorney for applicant.

Lula A. Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lula A. Dumas.
Q What is your age? A Fourteen.
Q What is your post office address? A Bald Knob, Arkansas.
Q How long have you lived at Bald Knob? A Fourteen years.
Q All your life? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-thirty-second.
Q What was your father's name? A M. F. Dumas.
Q What is your mother's name? A Margaret Dumas.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, not that I know of.
Q You give your age as fourteen do you? A Yes sir.
Q Where is your mother now? A Bald Knob.
Q She is a white woman? A Yes sir.
Q Has no Choctaw blood? A No sir.
Q Why didn't she come here before the Commission and make application for you? A I guess she didn't think it was her place.
Q Did she know you were coming to make application for yourself? A Yes sir.
Q Gave her consent did she? A Yes sir.
Q How long has your father been dead? A Six years I think, or seven.
Q Do you know when and where your father and mother were married? A No sir.
Q Do you know if they were married by a minister under a license, do you know? A I don't know how they were married.
Q You don't know? A No sir.
Q You make this claim just for yourself do you not? A Yes sir.

#2.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Has any one for you? A No sir.
- Q Did you or any one for you make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q This is the first application that has ever been made either for you or by you for your enrollment or citizenship in the Choctaw Nation? A Yes sir.
- Q You never have been admitted to citizenship in the Choctaw Nation have you, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now want to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do.
- Q You don't care for any further explanation of it? A I guess not.
- Q You think you understand it from what you have heard and being read and explained so that you understand the general provisions of it? A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to in any way comply with the provisions of article fourteen of that treaty? A I don't know.
- Q Who did you claim your Choctaw blood through? what ancestor? A Elizabeth Brashear.

#3.

- Q Who did she marry? A E. W. Dumas.
Q Was he a white man? A Yes sir.
Q How much Choctaw blood did she have? A Quarter.
Q How do you know that? A Just history of the family.
Q Did she live in Mississippi in 1830? A Yes sir.
Q Did she have children living with her then? A I don't know.
Q Did you ever hear that she was the head of a family in 1830?
A She was the head of a family I think.
Q Then she had children living there at that time; that's what is meant by the head of a family? A I don't know whether she had children or not; I know she was living there at that time.
Q You are not sure about her having children in 1830?
A No sir.
Q You don't know how old she would be if living now? A No sir.
Q What relation was she to you? A Great-grandmother.
Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in the year 1830 or previous to that time? A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

By an act of Congress approved March 3rd, 1837, and by an act of Congress approved August 23rd, 1842, Commissions were appointed in those different years to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because Colonel Wm. Ward, the United States Indian Agent, refused or neglected to register the names of Choctaw Indians, claimants in the year 1831, and within six months after the ratification of the treaty of 1830; a good many of those Indian claimants who appeared at his Agency during that period to register under the provisions of article fourteen of the treaty of 1830. Because of his negligence in this respect many Choctaw Indians who had land in the old Choctaw Nation had that taken from them by the government and sold at its public land sales. Therefore these two Commissions were appointed to give these Indians an opportunity to prove that they had attempted to register under Colonel Ward within six months after the ratification of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claimed benefits as Choctaw Indians? A No sir.

#4.

By an act of Congress approved August 23, 1842, those Choctaw Indians who proved that they had complied with article fourteen of the treaty of 1830, and also proved that they had had their land taken from them in the old Choctaw Nation by the government and sold, might select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and scrip was issued to them as evidence of their right to make such selection.

- Q Do you know whether any of your Choctaw ancestors received any scrip from the government as Choctaw Indians? A No sir.
- Q What relation is Scott S. Dumas to you? A Cousin.
- Q Would you like to have his case and yours and the cases of all other relatives claiming through the same common ancestor considered together? A Yes sir.
- Q Who is Murat Dumas? A He's my brother.
- Q Would you like to have him testify in your case in order to show your relationship? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has brown hair, blue eyes, fair complexion, she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Applicant excused.

Murat Dumas, being first duly sworn as a witness, testified in reference to this application as follows:

- Q Your name is what? A Murat Dumas.
- Q Mr. Dumas you are an applicant yourself are you not for identification as a Mississippi Choctaw? A Yes sir.
- Q Made application on this date, May 29th, 1902? A Yes sir.
- Q What is your age? A Twenty-four.
- Q Your post office address is what? A Bald Knob, Arkansas.
- Q What is your occupation? A Common laborer.
- Q What relation are you to Lula A. Dumas this applicant? A Brother of her's.
- Q What is her age? A Fourteen.
- Q Her mother is living? A Yes sir.
- Q What is her mother's name? A Margaret Dumas.
- Q Did you have the same father, M. F. Dumas? A Yes sir.
- Q And Margaret Dumas is your mother also? A Yes sir.
- Q She's a white woman? A Yes sir.
- Q Your sister Lula A. Dumas who has just made application to be identified as a Mississippi Choctaw to-day, her age is fourteen you say? A Yes sir.

#3.

- Q Do you know that she makes this application in her own behalf with the full consent of her mother Margaret? A Yes sir.
- Q She claims through the same source that you claim your Cheetaw blood? A Yes sir.
- Q And she is your own sister; you know that this application which she makes is with the full consent of her mother and as far as you are able to give consent, with your consent?
- A Yes sir.

Witness excused.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of June, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
JAMES BIXBY,
THOMAS H. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYERSWORTH,
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5716.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Lula A. Dumas,

Ball Knob, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4318
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4638
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
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Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
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Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
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Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
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John W. Dumas,	M. C. R. 5012
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Melinda Blanks, et al.,	M. C. R. 4118
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Eula Umphress, et al.,	M. C. R. 4146
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James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6842
Lawrence L. Thompson, et al.,	M. C. R. 6873

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Ison Lantrip, William T. Brasher, Mady Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Eanis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earls Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie E. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Mennie P. Dumas, Matilda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Gayon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lage F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missenia Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. D.

W. D. Biggerstaff

Chairman.

Registered.

COPY.

MCR 5716

Muskogee, Indian Territory, January 22, 1906.

Lula A. Dumas,

Bald Knob, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

SR

Commissioner.

No. 5716

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name Lula A. Thomas.

Age

14

Blood

$\frac{1}{32}$

Post-Office,

Bald Knob, Ark.

Father:

M. T. Thomas

Mother:

Margaret ..

$\frac{d}{l}$

Claims through

father -

~~UNAC.~~

claims for rep.
alone.

Stenographer A. G. McMillan

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Lula A. Dumas in the matter of her applica-
tion for identification as a Mississippi Choctaw, M.C. 5716

Dated at Muskogee, Indian
Territory, June 30, 1902.

J. H. Racks

Choctaw MCR 5717

James J. Dumas

See MCR 4006

MCR 5717

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 29th, 1902.

#5717

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In the matter of the application of James J. Dumas for the identification of himself and his minor child, Lawrence Dumas, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

James J. Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James J. Dumas.
Q What is your age? A Fifty-six.
Q What is your post office address? A Judsonia, Arkansas.
Q How long have you lived at Judsonia? A About thirty years.
Q Where were you born? A Choctaw County, Mississippi.
Q How long did you live in Mississippi about two years?
A Yes sir, until I was about---must have been twenty years.
Q Is your father living? A No sir.
Q Mother living? A No sir.
Q What was your father's name? A John B. Dumas.
Q What was your mother's name? A Caroline Dumas.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as a Choctaw Indian by either the Choctaw Tribal authorities or the United States authorities in Indian Territory?
A No sir.
Q When and where were your father and mother married? A At Fayetteville, Alabama.
Q What day of the month and year? A I couldn't tell you.
Q Have you the proof of their marriage with you? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Martha E. Dumas.
Q Is she a white woman and living? A Yes sir.
Q Do you claim for her? A No sir.
Q Have you children you want to make application for? A One.
Q What is the name of that child? A Lawrence Dumas.
Q How old is Lawrence? A Nineteen.
Q Not married? A Not married.
Q That is all the minor children you have? A Yes sir.
Q Is Martha E. Dumas the mother of Lawrence? A Yes sir.
Q Were either you or your wife married before you married each other? A No sir.

#2.

- Q When and where were you married to your wife? A Hernando, Mississippi.
- Q Do you remember the day of the month and year? A I can give you the month and year; it was October, '69, but I don't remember the day of the month.
- Q Have you the proof of that marriage with you now? A No sir.
- Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor child to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Did you ever make application at any time for yourself and son for citizenship in the Choctaw Nation previous to this application which you are making now? A No sir.
- Q Have you or your son ever been enrolled as Choctaw Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now want to be identified with your son as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think so.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of that article of that treaty? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brasher.
- Q She married a man by the name of Dumas? A E. W. Dumas.

#3.

- Q White man? A Yes sir.
- Q How much Choctaw blood did she have? A One quarter.
- Q Did she live in Mississippi in 1830? A Alabama.
- Q Alabama in 1830? A Yes sir.
- Q Did she live in Alabama in the old Choctaw Nation?
- A Yes sir, that's my understanding.
- Q Did she have a family of children living with her at that time?
- A Yes sir.
- Q Was she the head of a family? A Yes sir.
- Q In the old Choctaw Nation in Alabama in 1830? A Yes sir.
- Q Do you get that from family history and tradition? A Yes sir.
- Q Do you know whether she complied in any way with article fourteen of the treaty of 1830 by owning land or claiming land in the old Choctaw Nation in Mississippi or Alabama in 1830?
- A I think she made application at Aberdeen, Mississippi.
- Q Do you know whether she made application in 1831 or 1837 or 1842? A I don't know the date.
- Q Who was at Aberdeen at that time? A I don't know.
- Q What representatives of the United States government?
- A I don't remember the name.
- Q Did you ever hear that within six months from the ratification of the treaty of 1830, she went to Colonel Ward, who was the Agent in Mississippi, and told him that she wanted to stay in Mississippi, take land there and become a citizen of the states?
- A I understand that.
- Q Was that the time she went to Aberdeen? A No sir, I think later.
- Q If she went to Colonel Wm. Ward where did she go; what place; did you ever hear of a place named Dancing Rabbit Creek?
- A No sir.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek because it was made there at that time.

By the applicant: I don't remember.

By the Commission:

- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir.
- Q Did you ever hear that any of your ancestors owned or claimed any improvements on land in Mississippi or Alabama in 1830?
- A No sir.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many did it but Colonel Ward neglected to put their names upon his list known as Ward's Register. His neglect to do this caused the government to take the land

#4.

from these Indians in the old Choctaw Nation and sell it at its public land sales. This caused so many complaints that in 1838, by an act approved March 3rd of that year, and in 1842, by an act approved August 23rd of that year, Congress appointed Commissions which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians; did you ever hear about it? A That is the time.
- Q That is the time that you have got associated with a place called Aberdeen? A Yes sir.
- Q Was that in 1837 or 1842? A That I couldn't say.
- Q Did you ever hear that any of your ancestors received any scrip from the government which was issued under an act of Congress approved August 23, 1842; never heard anything about that scrip or certificates? A No sir.
- Q Are you related to Scott S. Dumas? A Yes sir.
- Q What relation? A Cousin.
- Q He has made application for identification as a Mississippi Choctaw? A Yes sir, I understand he has.
- Q Would you like to have his case and yours consolidated, and also all the other cases of applicants claiming a right to be identified as Mississippi Choctaws and claiming through the same common ancestor through whom you claim? A Yes sir.

The case of Scott S. Dumas, M C R 4006, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir, nothing that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage, he has dark brown hair, almost black, little gray, his mustache is light brown, his eyes are blue, complexion is dark, somewhat tanned, has no knowledge of the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 6 day of June, 1902.

Charles K. Sampson

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE TO THE FOLLOWING

M. C. R. 5717.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

James J. Dumas,
Judsonia, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
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Eula D. Shivel,	M. C. R. 4075
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Travis M. Dumas, et al.,	M. C. R. 4007
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Laura D. Cole, et al.,	M. C. R. 4141
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Cynthia Jane Dicken, et al.,	M. C. R. 4582
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Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
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Willie E. Ferguson, et al.,	M. C. R. 4774
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Sue A. Thompson, et al.,	M. C. R. 4389
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Emma C. Canon, et al.,	M. C. R. 3414
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Delmer Canon,	M. C. R. 3761
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Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
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James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

* These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

" It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Emma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dieken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

CO. 1

MCR 5717

Muskogee, Indian Territory, January 22, 1906.

James J. Dumas,
Judsonia, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 6, 1905, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

RED

Commissioner.

"

No.

5717

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name James J. Thomas.

Age 56 Blood 1/16

Post-Office, Judson, Ark.

Father: John B. Thomas. d

Mother: Caroline .. d

Claims through father --
wife Martha E. Thomas, w. l
No claim for wife.

Children:

Lawrence Thomas, 19

claim for wife
and child

received of the Indian of the Five Civilized Tribes
we only of the testimony of John C. Jones in the matter of the ap-
plication for the location of a Mississippi location of John C. Jones
et al. in 1910.

Witness my hand and seal, at Muskogee, Indian Territory,
June 30, 1910.

J. H. Davis

Choctaw MCR 5718

William S. IKard

See MCR 762

MCR 5718

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskege, I. T., May 29th, 1902.

#5718

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In the matter of the application of William S. Ikard for the identification of himself and his six minor children, Kate M., Lewis, Emma J., Mary P., Lee Davis, Sallie L. Ikard, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

William S. Ikard being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William S. Ikard.
Q What is your age? A I will be fifty-five in July the 7th---
next July; fifty-four.
Q What is your post office address? A Henrietta, Texas.
Q How long have you lived at Henrietta? A I went there in '72.
Q Where were you born? A I was born in Hoxubie County, Mississippi.
Q How long did you live in Mississippi? A Well, sir, I reckon
two years; I was born there.
Q And you went from there where? A To Louisiana.
Q And from there where? A Texas.
Q And have lived in Texas ever since? A Yes sir, my father
lived in Louisiana three years and went from there to Texas;
I guess I was two years old when I went there.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A M. Ikard.
Q What was your mother's name? A Isabella.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Kate L.
Q Is she a white woman and living? A Yes sir.
Q Do you make any claim for your wife? A No sir.

#2.

- Q How many children have you under twenty-one years of age and unmarried? A Six.
- Q Give me the name of the oldest under twenty-one years and unmarried? A Kate M.
- Q How old is she? A Nineteen.
- Q What is the name of the next child? A Lewis.
- Q How old is Lewis? A Sixteen.
- Q Give me the name of the next? A Emma J.
- Q How old? A Fourteen.
- Q The next? A Mary F., twelve.
- Q The next? A Lee Davis.
- Q How old is Lee? A Nine.
- Q The next? A Sallie L.
- Q How old? A Seven.
- Q Any others? A No sir, we have two that are over twenty-one.

They will have to make application for themselves in person.

- Q Is Kate L. Ikard the mother of these children? A Yes sir.
- Q And is she living with you and these children at your home? A Yes sir.
- Q Were either you or your wife married before you married each other? A No sir.
- Q Have you the marriage license or certificate of your marriage with Kate L. Ikard with you? A No sir.
- Q Do you remember when and where you were married to her? A Near Weatherford, Texas, September 18, 1877.
- Q By a minister under a license? A Yes sir.
- Q Do you think you could get the evidence of that marriage to the Commission within a few days? A Well, I would have to send to Weatherford for it. I had a copy of it but I think Mr. Arnold had it.
- Q Is your name or the name of any of your children on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application that you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Have you or your children ever been admitted as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do.

#3.

Q You don't care to have it explained further? A No sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of that article, Mr. Ikard? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Tubb.
- Q What is the full name? A George Tubb.
- Q What relation was George Tubb to you; grandfather or great-grandfather or great-great-grandfather? A Well, my mother was a Tubb.
- Q Was this her father or her father's father? A Well, I don't know how far it goes back.
- Q You don't know? A No sir.
- Q How much Choctaw blood did George Tubb have? A I don't know.
- Q Did he live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did he ever live in the old Choctaw Nation at any time? A I don't know.
- Q You don't know whether he was the head of a family in the old Choctaw Nation in 1830? A I don't know.
- Q You claim through your mother do you not? A Yes sir.
- Q Now who did she claim through, her father or mother? A She came from the Tubb.
- Q Her maiden name was Tubb? A Yes sir.
- Q And she married M. Ikard? A Yes sir.
- Q Do you know her father's name? A No sir.
- Q How is George Tubb related to your mother; you claim through George Tubb; I want you to tell me who he is? A The way I understand it was that my grandfather and great-grandfather were both named George Tubb.
- Q Which George Tubb is this, your grandfather or your great-grandfather; one George Tubb would be your mother's father I presume, wouldn't he? A Yes sir.

#4.

- Q And that George Tubb's father's name is George Tubb?
A That's the way I understand it.
Q Which one was it that you claimed through; I want to know which George Tubb lived in the old Choctaw Nation? A I don't know anything about that.
Q Well, you claim one-eighth Choctaw blood don't you? A That's the way I understand it, yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood would she have had? A One quarter.
Q And if she claimed through her father George Tubb he would have had how much? A Half.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830?
A I don't know.
Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
Q Did any of them go to the United States Indian Agent within six months from the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know sir.

In 1837 and in 1842, by various acts of Congress, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints made by the Choctaw Indians who lived in the old Choctaw Nation, that Colonel Wm. Ward neglected or refused to register them under article fourteen of the treaty of 1830 when they made application to him for such registration within six months from the ratification of that treaty, and because he did refuse to register them they complained that the government had taken land from them and sold it.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them and sold? A I don't know.

This scrip was issued under an act of Congress which was approved August 23, 1842.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.

To the attorney:

- Q What is the case Mr. Ralls? A Milton Ikard.

#5.

To the applicant:

- Q Who is Milton Ikard? A He is my brother.
Q Would you like to have your case consolidated with the cases of Milton Ikard and others who have been before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor.

The case of Milton Ikard et al., M C R 767, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A I do not.
Q Is there anything more you want to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, he has brown eyes, florid complexion, hair and whiskers now very gray, used to be black he says, he doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 6th day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R571A

Muskogee, Indian Territory, June 21, 1902.

W. S. Ikard,

Henrietta, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 18, inclosing certified copy of marriage license and certificate between W. S. Ikard and Kate Lewis, which you offer in support of the application for identification as Mississippi Choctaws of William S. Ikard, et al., and the same has been filed with the records in the above named case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5718

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

William S. Ikard,

Henrietta Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Ailine Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Elia Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Chairman.

M.C.R. 5718.

Muskogee, Indian Territory, May 1, 1905.

William S. Ikard,

Henrietta, Texas.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

~~DUPLICATE~~

No.

5718

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name *William S. Skard.*

Age *54* — Blood *1/8*

Post-Office, — *Henrietta, Texas.*

Father: *M. Skard* *d*

Mother: *Isabella* *d*

Claims through mother — —
wife.

Kate L. Skard, b. w.

No claim for wife

Children:

Kate M. Skard, 19

Lou Lewis " 16

Emma J. " 14

~~Frank~~

Mary F. " 12

Lee Davis " 9

Sallie L. " 7

Claims for self

& children —

Stenographer *A. McMillan.*

Choctaw MCR 5719

Verner L. Dumas

See MCR 4006

MCR 5719

Department of the Interior.
Commissioners the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#5719.

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In the matter of the application of Verner L. Dumas for
the identification of himself as a Mississippi Choctaw.

J. G. Ralls attorney for applicant.

Verner L. Dumas being first duly sworn testified as follows:

Examination by the Commission:

- W What is your name? A Verner L. Dumas.
Q What is your age? A Twenty-four.
Q What is your post office address? A Bald Knob.
Q Texas? A Arkansas.
Q How long have you lived at Bald Knob? A I have lived there about twenty-one years.
Q Where were you born? A I was born in Clear Water, Arkansas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A My father was Lawrence J. Dumas.
Q What is your mother's name? A Cassie A. Dumas.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim one-thirty-second.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q When and where were your father and mother married?
A In Mississippi, Choctaw County.
Q What date? A I don't know.
Q By a minister and under a license? A I don't know that.
Q Have you the proof of that marriage with you now? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for such citizenship to the Dawes

#2.

Commission under the act of Congress of June 10, 1896?

A No sir.

Q Have you ever made application for enrollment as a citizen of the Choctaw Nation to any authority whatever previous to this application made by you now? A No sir.

Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now want to be identified as a Mississippi Choctaw?

A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand article fourteen of that treaty? A I think I do.

Q Do you want to have it explained further? A I don't think it is necessary.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied with the provisions of that article of that treaty? A No sir, I don't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear.

Q Who did she marry? A E. W. Dumas.

Q Was he a white man? A Yes sir.

Q How much Choctaw blood did she have? A One quarter.

Q Did she live in the old Choctaw Nation at any time?

A I don't know.

Q Did you ever hear that she lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I have heard she did.

Q You have heard that from people in the family? A Yes sir.

#3.

- Q Do you know anything about her children? A No sir.
- Q Where they were born and when they were born and if they did live with their mother in Mississippi and Alabama in 1830?
- A I don't know.
- Q How old would she be if living now? A I couldn't say.
- Q When and where was she born? A I don't know.
- Q When and where did she die? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Wm. Ward the United States Indian Agent, within six months from the ratification of the treaty, and tell him that they intended to stay in Mississippi, and wanted to take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register, and his refusal or neglect to make a registration of those Indians who claimed under article fourteen of the treaty of 1830, and who went to him within that time, caused them to lose land that they held in the old Choctaw Nation which was taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions, either the one of 1837 or the one of 1842, and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them in the old Choctaw Nation and sold? A I don't know.
- Q What relation is Scott S. Dumas to you? A He's a cousin.

#4.

- Q You have had other relatives have you not who appeared before the Commission claiming through Elizabeth Brashear? A Yes sir.
Q Would you like to have the cases of all those other relatives consolidated with yours? A Yes sir.

The case of Scott S. Dumas, M C R 4006 is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything more you want to say in support of this application? A No sir.

By Attorney Ralls:

- Q What is the name of your father's father? A John B. Dumas.
Q Then you are a great-grandson of Elizabeth Dumas whose maiden name was Brashear? A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, medium fair complexion, brown hair, he doesn't understand or speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McKillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 6th day of June, 1902.

Charles L. Sawyer

Notary Public.

COMMISSIONERS
TAMM HIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO REPLY TO THE FOLLOWING

M. C. R. 5719.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Verner L. Dumas,
Hald Knob, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vie Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olive Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward W. Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Maliada Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Mural Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James H. Hester

Chairman

Registered.

MCR 5719

Muskogee, Indian Territory, January 22, 1906.

Verner L. Dumas,
Bald Knob, Arkansas.

Dear Sir;

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

Signed

Commissioner.

No. 5719

For Identification as a Mississippi Choctaw.

Date MAY 29 1902

Name Verner L. Koumas.

Age 24 Blood 1/32 ✓

Post-Office, Baldwinsb. Ark.

Father: Lawrence J. Koumas d

Mother: Carrie A. Koumas. l

Claims through father -

Children:

claim for seek
none

Stenographer A. G. McMillan

Choctaw MCR 5720

James Don Dumas

See MCR 4006

MCR 5720

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#5720

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In the matter of the application of James Don Dumas for the identification of himself and his minor child, Ella May Dumas, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

James Don Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Don Dumas.
Q What is your age? A Thirty-one.
Q What is your post office address? A Judsonia, Arkansas.
Q How long have you lived there? A All my life.
Q Born there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James J. Dumas.
Q What is your mother's name? A Martha Elizabeth Dumas.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir, not that I know of.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Jessie M. Dumas.
Q Is she living? A Yes sir.
Q And is a white woman is she not? A Yes sir.
Q You make no claim for her? A No sir.
Q Have you any children you want to make application for? A One.
Q What is the name of that child? A Ella May Dumas.
Q How old? A B Two years, three months, and twelve days.
Q You make application for yourself and child do you? A Yes sir.

#2.

- Q Is Ella May Dumas the child of Jessie M. Dumas? A Yes sir.
Q She's your child and Jessie M. Dumas' child? A Yes sir.
Q When and where were you married to your wife do you remember?
A I was married in '94, Clearwater, Arkansas.
Q What day of the month? A Nineteenth of November.
Q By a minister under a license? A Yes sir.
Q Have you the proof of that marriage with you now? A No sir.
Q You can get it here in a few days? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you at any time made application for citizenship in the Choctaw Nation previous to this application, either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q You never have been enrolled with your child as members of the Choctaw tribe of Indians have you, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of this child? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article of that treaty? A I suppose I do.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied with the provisions of that article of that treaty? A No sir, I don't know.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear.

#3.

- Q She married who? A E. W. Dumas.
Q Was he a white man? A Yes sir.
Q How much Choctaw blood did his wife have? A One quarter.
Q What relation was she to you? A I understand she was my great grandmother.
Q Did she have a Choctaw Indian name or speak the Choctaw language? A I don't know.
Q Did she live in the old Choctaw Nation in 1830? A I don't know.
Q Did you ever hear that she lived in Mississippi or Alabama in the old Choctaw Nation at that time---1830, and was the head of a family there then---had a family of children? A I have heard that she lived there but I couldn't say what time.
Q How about her having a family of children there in 1830?
A I don't know anything about that.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I don't know.
Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation refusing to go to the Choctaw Nation, Indian Territory, under the treaty with the other Indians, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty and register their names with him as being desirous of staying in Mississippi and taking land there, and they also said that they intended to become citizens of the states. A great many Indians did this but Colonel Ward for some reason neglected to put their names upon his list known as Ward's Register, and his neglect to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements, to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842, and claim any benefits a Choctaw Indians under that article of that treaty?

#4.

A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress of August 23, 1842, and was issued to those Indians who proved their rights under article fourteen and also proved that the government had taken their land from them and sold it.

Q Who is Scott S. Dumas? A He is my cousin.

Q You have had other relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Do you want to have these cases considered with yours?

A Yes sir.

The case of Scott S. Dumas, M C R 4006, is now referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say in support of this claim?

A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, has blue eyes, light brown hair and lighter brown mustache, he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

By Attorney Ralls: ----

Q Your father has appeared to-day to be identified as a Mississippi Choctaw hasn't he? A Yes sir.

By the Commission:

Q What is his name? A James J. Dumas.

Albert G. McKillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McKillan

Subscribed and sworn to before me this 10 day of June, 1902.

Charles H. Langston

Notary Public.

Miss. Chootaw R 5720

Muskogee, Indian Territory, July 10, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 5, inclosing marriage license and certificate between J. D. Dumas and Jessie M. Cullum, which you offer in support of the application for identification as Mississippi Chootaws of James Don Dumas, et al., and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRICKNIDGE
W. E. STANLEY

ALLISON L. AYLEWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5720.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

James Don Dumas,
Judeonia, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maña J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Dwyer.

Chairman.

Registered.

MCR 5720

Muskogee, Indian Territory, January 22, 1906.

James Don Dumas,
Judsonia, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 20 1902

Name James Von Dumas.

Age 31 - Blood 1/32

Post-Office Judsonia, Ark.

Father: James J. Dumas l

Mother: Martha E. " l

Claims through father

wife

Jessie M. Dumas, l. w.
No claim for wife -

Children:

Ella May Dumas. 2-

Claims for self &
Child

Stenographer A. L. McMillon

Choctaw MCR 5721

Claude E. Dumas

See MCR 4006

MCR 5721

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#5721

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In the matter of the application of Claude E. Dumas for the identification of himself and his minor child, Jim Dumas, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

Claude E. Dumas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Claude E. Dumas.
Q What is your age? A Twenty-six.
Q Are you married? A Yes sir.
Q Children? A One.
Q What is your post office address? A Judsonia, Arkansas.
Q How long have you lived there? A I have lived there twenty-four years.
Q Where were you born? A I was born at Judsonia.
Q Where did you live the other two years? A Texas.
Q What years were they? A That was 1900 and 1901.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James J. Dumas.
Q What is your mother's name? A Mattie E. Dumas.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-thirty-second.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q When and where were your father and mother married, if you remember? A I couldn't say; they was married in Mississippi, but I don't know what place.
Q Were they married by a minister under a license? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mattie L. Dumas.
Q Is she living and a white woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q What is the name of the child that you want to make application for? A Jim Dumas.

#2.

- Q How old is Jim? A He's two years old.
- Q Is that all---I mean is that the only child? A Yessir.
- Q Is Mattie L. Dumas the mother of this child? A Yes sir.
- Q Is she and your child living with you at your home? A Yes sir.
- Q When and where were you married to her? A Married in Judsonia.
- Q In Texas? A No, Judsonia, Arkansas.
- Q By a minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A No sir.
- Q Do you think you could present it to the Commission within a few days? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for enrollment as a Choctaw citizen to either the Choctaw tribal authorities or the United States authorities at any time previous to this application? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your child by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I understand it I guess.
- Q Do you want to have it explained again, further? A It don't make any difference.
- Q Do you understand it, or don't you; I will explain it if you want me to? A I understand it alright.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

#3.

Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty that you know of? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear.
- Q What was the name of her husband? A E. W. Dumas.
- Q Do you know whether he was a white man? A Yes sir.
- Q How much Choctaw blood did she have? A One quarter.
- Q What relation was she to you? A Great-grandmother.
- Q Did she live in Mississippi in 1830? A I couldn't say; I suppose she did.
- Q Did you ever hear that she lived in the old Choctaw Nation in Mississippi and Alabama and was the head of a family there then? A Yes sir.
- Q You have heard that? A Yes sir.
- Q How did you hear that? A Why, from family history.
- Q Who in the family told you? A My father.
- Q Your father? A Yes sir.
- Q Your father's name is James J. Dumas? A Yes sir.
- Q He made application for identification as a Mississippi Choctaw to-day? A Yes sir.
- Q Do you know whether Elizabeth Dumas had a Choctaw Indian name or spoke the Choctaw language? A No sir, I don't.
- Q Do you know when and where she died? A No sir.
- Q When and where she was born? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation west of the Mississippi river with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.

In 1837, under an act of Congress approved March 3rd of that year, and in 1842, under an act approved August 23rd of that year, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints of Mississippi Choctaw Indians who stated that they had gone to Colonel Ward within six months after the ratification of the treaty and attempted to register under article fourteen, but that he refused to put their names upon his list known as Ward's Register, and as a result of his re-

#4.

fusal a great many Indians who had land in the old Choctaw Nation upon which they had improvements, lost both their land and the improvements upon it; both were taken from them by the government and sold at its public land sales.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or that of 1842, and claimed any benefits as Choctaw Indians under that article of that treaty? A No sir, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved their rights under article fourteen and also proved that the government had taken their land from them and sold it.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear.
- Q Who is Scott S. Dumas? A He's a cousin of mine.
- Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q And other relatives of yours also? A Yes sir.
- Q Do you want all those cases where they claim through Elizabeth Brashear as the common ancestor consolidated with your case? A Yes sir.

The case of Scott S. Dumas, M C R 4006, is here referred to for the purpose of consolidation.

- Q Do you understand or speak Choctaw? A No sir.
- Q Is there anything more you want to state in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, he has brown hair, gray or brownish-gray eyes, he doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 6 day of June, 1902.

Charles H. Sawyer
Notary Public.

Miss. Choctaw 5721

Muskogee, Indian Territory, June 11, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9, inclosing certified copy of marriage license and certificate between Claude E. Dumas and Mattie L. Hacker, which are offered in support of the application of Claude E. Dumas et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
JAMES BLYTHE
THOMAS B. NEEDERS
C. R. BRACKETT
W. L. STANLEY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERENCE TO THE FOLLOWING

M. C. R. 5721.

ALLISON L. AYERSWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Claude E. Dumas,
Judsonia, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
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Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Duella Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Melinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Liba C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James Diney

Chairman.

Registered.

COPY.

MCR 5721

Muskogee, Indian Territory, January 22, 1906.

Claude E. Dumas,
Judsonia, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

ED

Commissioner.

No. 5721

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name Claude E. Kurnas

Age 26 — Blood 1/32

Post-Office, Judsonia, Ark.

Father: James J. Kurnas, l

Mother: Mattie E. " l

Claims through father -
wife,

Mattie L. " l. w.
No claim for wife

Children:

Jim Kurnas, 2

Claims for resp
and child

Stenographer A. L. McMillon

Choctaw MCR 5722

Missie E. Biggerstaff

See MCR 4006

MCR 5722

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 29th, 1902.

#5722.

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In the matter of the application of Missie E. Biggerstaff for the identification of herself and her four minor children, Dora, John M., Winnie, and Gladys Biggerstaff, as Mississippi Choctaws.

J. G. Ralls attorney for applicant.

Missie E. Biggerstaff being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Missie E. Biggerstaff.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Sulphur Bluff, Texas.
Q How long have you lived there? A Two years.
Q Where did you live before that? A I lived in the Territory.
Q Where in the Territory? A Ardmore.
Q How long did you live in Ardmore? A Five years.
Q Where were you born? A Collin County, Texas.
Q How long did you live in Texas after you were born?
A Twenty-two years.
Q Is your father living or dead? A Living.
Q Is your mother living? A Living, yes sir.
Q What is your father's name? A John F. Sanders.
Q What is your mother's name? A Elizabeth J. Sanders.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-thirty-second.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A Well, he was registered.
Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir, May 1st.
Q May 1st, 1902? A Yes sir.
Q When I ask if he was recognized by the Choctaw tribal authorities, your answer is that he has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q But he never went before the Council? A No sir.
Q He never went before the Choctaw tribal authorities? A No sir.

#2.

- Q Did he ever go before the Commission for the purpose of being enrolled as a Choctaw Indian under the act of Congress of June 10, 1896? A June 10, 1896?
- Q Yes; never heard of it? A I am sure he never.
- Q Did you ever go before the Choctaw tribal authorities and make application for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application yourself to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q When and where were your father and mother married?
- A They was married in Collin County, Texas, near Anna.
- Q What date? A September 30th. They have been married thirty-two years now, that would be '71.
- Q Were they married by a minister under a license? A Yes sir.
- Q You haven't that proof with you now? A No sir, I haven't the proof; my father had the proof of his marriage.
- Q The proof of his marriage is filed with his application?
- A Yes sir.
- Q And would you like to refer to his application and have it made a part of your own? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William O. Biggerstaff.
- Q Is he living? A Yes sir.
- Q White man or Choctaw? A White man.
- Q Do you make any claim for him? A No sir.
- Q Give me the names of your children under twenty-one years of age and unmarried that you want to make application for?
- A The eldest is Dora.
- Q Dora Biggerstaff? A Yes sir.
- Q How old is Dora? A Eight years old.
- Q How many children have you? A Four.
- Q What is the name of the next? A John M. Biggerstaff.
- Q How old? A Five.
- Q The next? A Winnie.
- Q How old is Winnie? A Three.
- Q The next? A Gladys.
- Q How old? A Ten months.
- Q You claim for yourself and these children? A Yes sir.
- Q Are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Is William O. Biggerstaff the father of these children?
- A Yes sir.
- Q Are they living with you and you living with your husband at his home? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for the citizenship of these children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children at any time previous to this present application, either to the Dawes Commission or the Choctaw tribal authorities? A No sir.
- Q Have you ever been enrolled with your children as citizens of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

#3.

- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I have heard it rehearsed sufficient.
- Q You don't care to have it explained further? A No sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt in any way to comply with article fourteen of the treaty of 1830?
- A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Kisiah Brashear.
- Q Who did she marry? A Fleming J. Thompson.
- Q He was a white man was he? A Yes sir.
- Q How much Choctaw blood did she have? A One-fourth.
- Q What relation was she to you? A Great-grandmother.
- Q What relation was she to Elizabeth Brashear? A Sister.
- Q You claim through your father Jehn F. Sanders; he claimed through whom? father or mother? A Through his mother.
- Q What was her name? A Maiden name?
- Q Yes, what was her maiden name? A Thompson.
- Q Full name? A Nancy Jane.
- Q Nancy Jane Thompson, she married whom? A William T. Sanders.
- Q She claimed through her mother you say? A Yes sir.
- Q And her mother's name was Kisiah Thompson? A Kisiah Brashear.
- Q Kisiah Thompson whose maiden name was Brashear? A Yes sir.
- Q Did Kisiah Brashear live in the old Choctaw Nation in Mississippi or Alabama in 1830? A Well, I don't know.
- Q Did you ever hear anything about her living there in that old Nation at any time and being the head of a family there in 1830?
- A No sir.

#4.

- Q How old would she be if living now? A I couldn't tell you that.
- Q When and where was she born? A I don't know that.
- Q When and where did she die? A I don't know.
- Q Where did she live during the most of her life? A In Mississippi.
- Q But you don't know whether she was living there in 1830?
- A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A No sir.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months after the ratification of the treaty to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward the United States Indian Agent failed to put upon his list known as Ward's Register, and his neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements, to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year; this Commission went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved

#5.

their claims or rights under article fourteen and also proved that they had had their land taken from them in the old Choctaw Nation by the government and sold.

- Q Can you give the name of any of your relatives who have been before the Commission to be identified as Mississippi Choctaws claiming under article fourteen of that treaty? A What treaty?
- Q 1830; can you give me the name of any of your relatives?
- A Yes, my father was here--John F. Sanders, Scott S. Dumas, and Louis Dumas.
- Q Scott S. Dumas, do you refer to that case? A Yes sir.

The case of this applicant's father, John F. Sanders, M C R 5445, and the case of Scott S. Dumas, M C R 4006, are here referred to for the purpose of consolidation of this case.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to state now in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has gray eyes, medium fair complexion, brown hair, she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of June, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONER
TAMM BEADY,
THOMAS B. NEEDLES
C. R. DRECHTINER
W. B. STANLEY

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTER BEING FOLLOWING

M. C. R. 5722.

ALLISON C. AYLESWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

PLEASE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Minnie W. Biggerstaff,
Sulphur Bluff, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vie Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Annan Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendrick, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Menna P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May E. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Dancy

Chairman.

Registered.

COPY!

MCR 5722

Muskogee, Indian Territory, January 22, 1906.

Missie E. Biggerstaff,

Sulphur Bluff, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

SIC

Commissioner.

For Identification as a Mississippi Choctaw.

Date MAY 29 1902

Name Missie E. Biggers Taff

Age 29 Blood 1/32

Post-Office, Stephen Bluff, Tex.

Father: John F. Sanders, l.

Mother: Elizabeth J. " l.

Claims through father — —
~~Heir~~ William O. Biggers Taff, l.w.No claim for
heir

Children:

Dora Biggers Taff, 8

John M. " 5

Winnie " F 3

Gladys " F 10 m.

Claims for self
and 4 children.

Stenographer A. Y. McMillan.

Choctaw MCR 5723

Lula Mills

See MCR 5680

MCR 5723

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 29th, 1902.

#5723.

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In the matter of the application of Lula Mills for the
identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Lula Mills being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lula Mills.
Q What is your age? A Eighteen.
Q What is your post office address? A Berwyn.
Q Indian Territory? A Yes sir.
Q How long have you lived at Berwyn? A About a year.
Q Where did you live before that? A Up there by Ardmore.
Q How long did you live in Ardmore; how long have you lived in
the Territory altogether? A About fifteen years.
Q Where were you born? A In Hopkins County.
Q What state, Texas? A Yes sir.
Q What is your father's name? A Johnson.
Q Full name? A Andrew Johnson.
Q Is he living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her full name? A Alice Johnson.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A Half.
Q One-half? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No sir.
Q Has she ever been enrolled? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ollie Mills.
Q Is he a white man? A Yes sir.
Q And living? A Yes sir.
Q Do you claim for him? A No sir.
Q You have no children? A No sir.
Q You claim just for yourself do you? A Yes sir.

#2.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir.
- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application for citizenship in the Choctaw Nation that you have ever made to any authority whatever?
- A Yes sir.
- Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty or not?
- A Yes sir.
- Q Do you want to have it read to you and explained to you further?
- A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in Mississippi and Alabama, on the 27th day of September, 1830. The object of this treaty was to remove all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied with that article or not? A No sir.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
 A Grandfather.
 Q What was his name? A Jim Patterson.
 Q What relation was Jim Patterson to you? A Grandfather.
 Q How much Choctaw blood did he have? A Full blood.
 Q Did he live in Mississippi in 1830, or in Alabama in the old Choctaw Nation, do you know? A Yes sir.
 Q Did he live there in the year 1830? A No sir.
 Q Well do you know whether he did or not? A No sir.
 Q You don't know then? A No sir.
 Q Did you ever hear that your grandfather Jim Patterson lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A Yes sir.
 Q Do you know anything about it? A No sir.
 Q Well do you know whether he had children living in Mississippi or Alabama in 1830? A No sir.
 Q Then you don't know whether he was the head of a family there at that time? A No sir.
 Q Did you ever hear your father or mother or anybody in the family say anything about it? A No sir.
 Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir.
 Q Do you know whether they did or not? A No sir.
 Q You never heard anything about that in the family? A No sir.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830?
 A No sir.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, do you know? A No sir.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states?
 A No sir.
 Q Do you know whether they did or not? A No sir.

The Indians who stayed back there in that old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. Colonel Ward neglected to register the names of a great many Indians who did go before him within the time limited and attempted to register under that article. The result of his neglect to register these Indians caused a good many of them who had land in Mississippi upon which they had improvements to lose both; they were taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837, and also in 1842, by various acts of Congress, Commissions were appointed which went to

#4.

Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of their names.

- Q Did any of your Choctaw ancestors to your knowledge go before either the Commission of 1837 or the Commission of 1842 and claim any benefits as Choctaw Indians under that article of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who claimed that they had complied with article fourteen and also proved that they had their land taken from them by the government and sold.

- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws, anybody claiming through Jim Patterson been here before, anybody, any kin of yours? A No sir.
- Q You are the only one of your kinfolks who has been before the Commission; nobody has been here to be identified? A No sir.
- Q What is your mother's name? A Alice J. Patterson.
- Q Hasn't Alice J. Patterson been before the Commission two or three days ago to be identified as a Mississippi Choctaw? A Yes sir.

The application of Alice J. Patterson, the mother of this applicant, M C R _____ is here referred to for the purpose of consolidation.

- Q Is there anything more you want to say in support of your claim? A No sir.
- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has dark complexion, dark brown eyes and dark brown hair, very nearly black; she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Lula Mills being recalled testified as follows:

- Q You said that your mother, Alice J. Patterson, had made application to be identified as a Mississippi Choctaw; that was her maiden name wasn't it? A Yes sir.
- Q Her name when she came before the Commission was Alice Johnson wasn't it? A Yes sir.
- Q And you now mean to say that your mother Alice Johnson, on May 27, 1902, made application to be identified as a Mississippi Choctaw; is that right? A Yes sir.

#5.

The application of Alice Johnson, the mother of this applicant, M & N 5430, is here referred to and made a part of this application.

Applicant excused.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of June, 1902.

Charles H. Sawyer
Notary Public.

COP

M.C.R. 5723

Muskogee, Indian Territory, January 18, 1903.

Lula Mills,

Berwyn, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Johnson	M.C.R. 3680
Lizzie Cole, et al.	M.C.R. 5724
Lula Mills	M.C.R. 5723

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Johnson, Lizzie Cole, Stephen R. Cole and Lula Mills as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen

Lula Mills,—2

hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Neenan.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, March 21, 1903.

Lula Mills,

Berwyn, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Alice Johnson, et al., of which decision you were advised by registered mail on the 17th day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR-5723

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 7, 1907.

Lula Mills,
Berwyn, Indian Territory.

Dear Madam:-

You are hereby notified that on January 24, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Robt. E. Lee, attorney at law, Ardmore, Indian Territory, for a reopening and rehearing in the consolidated Mississippi Choctaw case of Alice Johnson, nee Patterson, et al., of which the application for the identification of yourself is a part.

Respectfully

Commissioner.

No. 5723

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name *Lula Mills.*

Age 18

Blood $\frac{1}{2}$

Post-Office, *Terwyn, I. T.*

Father: *Andrew Johnson, I.*

Mother: *Alie " L.*

Claims through *mother,*
husband
Ollie Mills, w. L.
No claim for
husband.

~~Children:~~

claims for self
alone

Stenographer

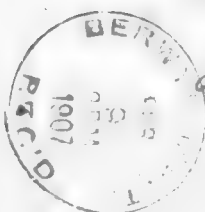
A. L. McMillan

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DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.

FILED

MAR 14 1907



[Handwritten signature]

Commissioner.



Choctaw MCR 5724

Lizzie Cole

See MCR 5680

MCR 5724

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 29th, 1902.

#5724.

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In the matter of the application of Lizzie Cole for the
identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Lizzie Cole, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lizzie Cole.
Q What is your age? A Twenty-two.
Q What is your post office address? A Berwyn.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A About a year.
Q Where were you born? A Hopkins County, Texas.
Q And where did you live most of your life? A Well, sir, my
father has been moving around right smartly; hasn't any certain
place.
Q In the Territory most of the time? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Andrew Johnson.
Q What is your mother's name? A Alice Johnson.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A Half.
Q Has your mother ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or by the United
States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Steve Cole.
Q Is he a white man? A Yes sir.
Q And living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q You have no children? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the

#2.

- act of Congress of June 10, 1896? A No sir.
- Q Is this the first application that you have ever made of any kind either to the Chectaw tribal authorities or the United States authorities? A Yes sir.
- Q Have you ever been enrolled as a member of the Chectaw tribe of Indians by either the Chectaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Chectaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, I don't.

The treaty of 1830 was made between the United States government and the Chectaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September of that year. The object of the treaty was to remove all of the Chectaw Indians who lived in the old Chectaw Nation east of the Mississippi river to the Chectaw Nation, Indian Territory. Before it was signed, however, it became known that a good many Chectaw Indians would refuse to go to the Chectaw Nation, Indian Territory, and in order to protect the interests of these Indians who stayed back there in the old Chectaw Nation article fourteen was put into the treaty of 1830. It reads as follows:

"Each Chectaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Chectaw citizen but if they ever remove are not entitled to any portion of the Chectaw annuity."

- Q Do you know if any of your Chectaw ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty? A No sir.
- Q You understand that now do you, well enough to claim under it; you are making a claim under that article; do you understand it well enough to claim under it; you don't want to make a claim under it? A Oh, yes.

#3.

- Q Well, do you understand it, or don't you understand it?
A No sir, I don't.
- Q Well what more do you want to hear about that article to understand it; you knew the treaty of 1830 was the treaty made between the United States and the Choctaw Indians to get them to go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, don't you? A No sir.
- Q Well, it was? A Yes sir.
- Q Now, some of them went and some didn't go; you understand that don't you? A Yes sir.
- Q Those who stayed back there in the old Choctaw Nation had to go to the United States Indian Agent and tell him they wanted to stay back there; you understand that don't you; and those who did so could take land in Mississippi? A Yes sir.
- Q Afterwards if they wanted to go to the Indian Territory, they could go there; you understand that don't you? A Yes sir.
- Q Now is that plain to you? A Yes sir.
- Q You understand that article don't you? A Yes sir.
- Q What is the name of your ancestor through whom you make application now to be identified as a Mississippi Choctaw?
A Alice Patterson.
- Q Alice J. Patterson is your mother's name isn't it? A Yes sir.
- Q Go back as far as you can? A Jim Patterson.
- Q What relation was he to you? A My grandfather.
- Q How much Choctaw blood did he have? A He was full blood. That's what I have been told.
- Q You were taught that by your family? A Yes sir.
- Q Was this your mother's father? A Yes sir.
- Q What was your mother's name? A Patterson.
- Q That was her maiden name wasn't it? A Yes sir.
- Q Who was Alice J. Patterson? A That's my mother.
- Q You gave her name a while ago as Alice Johnson? A That's her name, but she's married.
- Q Your sister, Lula Mills, stated that Alice J. Patterson had made application to be identified as a Mississippi Choctaw; there isn't any such person as that? A Yes sir, that's my mother; her name is Alice J. Patterson, but her name is now Alice Johnson.
- Q Your mother's name now is Alice Johnson? A Yes sir.
- Q And she made application to be identified as a Mississippi Choctaw before the Commission May 27, 1902, didn't she?
A Yes sir.
- Q Well, your sister Lula Mills when she gave her testimony a little while ago stated that her mother's name was Alice J. Patterson; she meant that was her maiden name but that her name is now Alice Johnson? A Yes sir.
- Q Is she the only relative you have who has appeared before this Commission except your sister Lula Mills? A Yes sir.
- Q Do you want to have your case considered with your sister Lula Mills and your mother Alice Johnson? A Yes sir.

The case of Alice Johnson? M C R 2480, is here referred to for the purpose of consolidation.

- Q Did Jim Patterson, your grandfather, live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know whether

#4.

or he did or not.

Q Did he ever live in Mississippi or Alabama? A I don't know that either.

Q Don't know whether he was the head of a family there at that time? A No sir.

Q Can you give the name of any Choctaw ancestor who was the head of a family in Mississippi in 1830? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama in 1830?

A No sir, not as I know of. He owned land here by Waupanucka.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?

A I don't know whether they did or not.

Q Did any of them, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

In 1837, under an act of Congress approved March 3rd of that year, and in 1842, under an act approved August 23rd of that year, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the great many complaints of the Choctaw Indians who said that they had gone to Colonel Wm. Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830, and had told him they wanted to stay in Mississippi, take land there and become citizens of the states; but that he had refused to put their names upon his list known as Ward's Register. Because of his refusal to do this these Indians had their land in the old Choctaw Nation taken from them by the government and sold.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830?

A No sir, I don't.

Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had once occupied in the old Choctaw Nation and which had been taken from them by the government and sold? A No sir, I don't know.

Q Have you any documentary evidence that you want to introduce now in support of your application? A No sir.

Q Do you understand or speak the Choctaw language? A No sir, I don't.

Q Are you acquainted or related to Henry Patterson; have you any such relative as Henry Patterson? A No sir.

Q Or Willie G. Patterson? A No sir.

Q Or Maggie Lee Glance? A No sir.

Q Walter Patterson? A No sir.

Q James Patterson? A Not as I know of.

#6.

#6.

- Q You have no relatives have you who have been before the Commission to be identified as Mississippi Choctaws except your mother Alice Johnson? A No sir, and my sister.
- Q Is there anything more you want to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown eyes; medium fair complexion; black hair; she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 29th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 10 day of June, 1902.



Notary Public.

M C R 2944
M C R 2945
M C R 5724

Muskogee, Indian Territory, September 8, 1902.

Wm. F. Warren,

Berwyn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask to be informed if Mrs. Lissie Cole, Mrs. Louisa Prigmore and Mrs. Wm. Webley are enrolled as citizens on either the Chickasaw or Choctaw rolls, and have full authority at this time to select lands.

In reply you are informed that the records of the Commission show that Lissie Cole, age twenty-two years, and Mary L. Prigmore, age thirty-three years, residence Berwyn, Indian Territory, are applicants to this Commission for identification as Mississippi Choctaws.

It does not appear from the records of the Commission that any person by the name of Mrs. Wm. Webley is an applicant to this Commission for enrollment as a citizen of the Choctaw or Chickasaw Nation, or an applicant for identification as a Mississippi Choctaw. The records of the Commission do show, however, that one Julia Ann Webley, fifty-nine years of age, residence Berwyn, Indian Territory, made personal application before this Commission on July 18, 1901, for identification as a Mississippi Choctaw.

Wm. P. W.--2.

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law.

No decision has yet been reached nor opinion rendered relative to the rights of these persons to be identified as Mississippi Choctaws, but the Commission is now considering their applications and as soon as a decision is rendered they will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

The present status of these persons is that of applicants for identification as Mississippi Choctaws whose right to such identification has in no manner been determined.

It is not believed that an applicant for identification as a Mississippi Choctaw, until duly identified as such by the Commission to the Five Civilized Tribes, is in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

49

Muskogee, Indian Territory, September 20, 1902.

S. R. Cole,

Berwyn, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 17, inclosing application for the enrollment of Stephen R. Cole, infant son of Stephen R. and Lizzie Cole, born August 14, 1902, and the information contained in this letter has enabled us to determine that Lizzie Cole, the mother of this child, is an applicant for identification as a Mississippi Choctaw.

The affidavits of the mother and the physician at the birth of this child have been accepted as evidence of his birth and will be filed with and made a part of the original application of Lizzie Cole for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

Copy

Muskogee, Indian Territory, January 27, 1903.

Lizzie Cole,

Berwyn, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Johnson	M.C.R. 3680
Lizzie Cole, et al.	M.C.R. 5724
Lula Mills	M.C.R. 5723

These application were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Johnson, Lizzie Cole, Stephen R. Cole and Lula Mills as Choctaw Indians entitled to rights in the Choctaw lands under

Lizzie Cole,--2

the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, February 3, 1903.

Wm. F. Warren,

Berwyn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask that the fifteen days allowed Lizzie Cole, wife of Stephen R. Cole, to file arguments to be forwarded to the Secretary of the Interior in support of the application made by her for the identification of herself and minor child as Mississippi Choctaws, be extended in order that additional evidence may be introduced.

In reply to your letter you are advised that the fifteen days from January 17, 1903, heretofore granted in this case in which to file arguments, expired on February 1, 1903. On February 2, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The applicant in this case will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

M. C. R. 5724

COPY

Muskogee, Indian Territory, March 21, 1903.

Lizzie Cole,

Berwyn, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Alice Johnson, et al., of which decision you were advised by registered mail on the 17th day of January, 1903.

Respectfully,

(SIGNED).

Tame Dixby.
Chairman.

MCR-5680
MCR-5724

Muskogee, Indian Territory, October 29, 1906.

Robt. E. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you request that this office correct its letter of October 22nd, relative to the setting aside of land for Alice Johnson, Lula Mills and Lizzie Cole, by including the name of Stephen R. Cole. You state his name will be found on an application sworn to on June 12, 1906, and which was filed in this office.

It is presumed that the Stephen R. Cole, referred to by you, is the minor child of Lizzie Cole, and you are informed that the records of this office do not show that any application has ever been made for the enrollment of this child.

It is thought that the "application," referred to by you, was the petition for rehearing in the consolidated Mississippi Choctaw case of Alice Johnson et al., which petition was filed in this office June 28, 1906, and forwarded to the Secretary of the Interior July 7, 1906, praying for rehearing in the case in question. This Office is unable to state whether or not the name of Stephen R. Cole appeared in said petition as the same

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was not filed in duplicate and the original being now in the hands of the Department.

Inasmuch as the records of this office do not show that Stephen R. Cole is a Mississippi Choctaw applicant, no action can be taken at the present time relative to the designation of a prospective allotment for him.

Respectfully,

Commissioner.

MCR-5724

Muskogee, Indian Territory, February 7, 1907.

Lizzie Cole,
Berwyn, Indian Territory.

Dear Madam:-

You are hereby notified that on January 24, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Rebt. E. Lee, attorney at law, Ardmore, Indian Territory, for a reopening and rehearing in the consolidated Mississippi Choctaw case of Alice Johnson, nee Patterson, et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 29, 1902.

Name *Lizzie Cole -*Age *22 -* Blood *1/2*Post-Office, *Barwyn, I. T. -*Father: *Andrew Johnson, I.*Mother: *Alice Johnson, I.*

Claims through

*mother, -**Husband*
*Steer Cole, w. I.**No claim for**Husband**Children**claims for self*
alone

Stenographer

A. H. Mc Miller

Choctaw MCR 5725

May L. Brown

See MCR 4006

MCR 5725

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 29th, 1902.

#5725

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In the matter of the application of May L. Brown for the
identification of herself as a Mississippi Choctaw.

J. G. Ralls attorney for applicant.

May L. Brown being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A May L. Brown.
Q What is your age? A Eighteen.
Q What is your post office address? A Little Rock.
Q What state? A Arkansas.
Q How long have you lived there? A Month.
Q Where were you born? A Bald Knob, Arkansas.
Q You lived in Arkansas all your life? A Yes sir.
Q What is your father's name? A Lawrence J. Dumas.
Q He's living is he not? A No sir.
Q Is your mother living or dead? A Living.
Q What is her name? A Cassie A. Dumas.
Q Through which parent do you claim Choctaw blood? A Great-grandparent.
Q Through your father or mother? A Father.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities? A I don't know.
Q He never lived in the Indian Territory did he? A No sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q When and where were your father and mother married?
A Bellefontaine, Mississippi.
Q What date? A I don't know.
Q You haven't the proof of their marriage with you have you?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Leslie T. Brown.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for?
A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

#2.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for enrollment as a Choctaw Indian, before this application that you are making now, either to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Have you ever been enrolled or admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A What is it?
- Q Do you claim under article fourteen of the treaty of 1830? A I don't know.
- Q You don't understand that treaty do you; how do you claim under it; do you understand it? A Yes sir, I think I do.
- Q Do you care to have it explained further? A No sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied with article fourteen of that treaty? A No sir, I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Elizabeth Brashow.
- Q What was the name of her husband? A E. W. Dumas.
- Q Was E. W. Dumas a white man? A I don't know; I guess he was.
- Q How much Choctaw blood did his wife Elizabeth have? A Fourth.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Do you know whether she was at the head of a family there at that time in the old Choctaw Nation? A No sir.

#3.

- Q Can you give the name of any ancestor who lived in the old Choctaw Nation in 1830 and was the head of a family there then?
- A No sir.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q How old would she be if living now? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?
- A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they intended to stay in Mississippi, and take land there? A I don't know.

In 1837 and also in 1842, by various acts of Congress, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because of the complaints made by many Choctaw Indians who alleged that they had tried to register under article fourteen of the treaty of 1830 with Colonel Ward, the United States Indian Agent in Mississippi in 1831, but that he had neglected to put their names upon the list made by him. His neglect to do so caused Indians who held land in the old Choctaw Nation to have that land taken from them by the government and sold.

- Q Do you know whether any of your Choctaw ancestors appeared either before the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress of August 23, 1842, and was issued to those Indians who proved their rights under article fourteen, and also proved that they had had their land in the old Choctaw Nation taken from them by the government and sold.

- Q What is the name of some of your relatives who have been before this Commission to be identified as Mississippi Choctaws?
- A What is the name?
- Q Yes; do you remember the name of Scott B. Dumas? A Yes sir.
- Q What relation is he to you? A Cousin.
- Q He's been before the Commission hasn't he to be identified?
- A Yes sir.
- Q Do you want to have his case and the cases of all other relatives who have been before the Commission claiming through the same common ancestor considered with yours? A Yes sir.

#4.

The case of Scott S. Dumas, M C R 4006, is here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, medium fair complexion, blue eyes; she doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 10 day of June, 1902.



Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5725.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

May L. Brown,
Little Rock, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erna Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Duteille Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, German A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Paris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jolie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Menard P. Dumas, Maconda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barton, Guyon Elizabeth Barton, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. C. D.

W. H. Dancy

Chairman

Registered.

MCR 5725

Muskogee, Indian Territory, January 22, 1906.

May L. Brown,

Little Rock, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself as a Mississippi Choctaw, is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name May L. Brown

Age 18

Blood 1/32

Post-Office, Little Rock, Ark.

Father: Lawrence J. Thomas, Jr.

Mother: Carrie A. " l.

Claims through Father -

husband, ~~James~~ P. Brown, l.w.

No claim for husband.

Children:

claims for self
alone.

Stenographer A. G. McMillan

Received the sum of \$100.00 from the
estate of the late J. H. Smith, for the
purpose of paying the balance of the
debt of the said estate.

J. H. Smith

Witness my hand and seal this 1st day of
January, 1901.

Choctaw MCR 5726

Aurelius W. Dumas

See MCR 4006

MCR 5726

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 29, 1902.

5726

In the matter of the application of Aurelius W. Dumas for identification as a Mississippi Choctaw.

J.C. Ralls attorney for applicant.

Aurelius W. Dumas being sworn testified as follows:

Examination by the Commission;

- Q What is your name? A Aurelius W. Dumas.
Q What is your age? A I was fifty eight last February 24.
Q What is your post office address? A Little Rock, Arkansas; 2nd and Valentine St.
Q Wh-- how long have you lived at Little Rock, Arkansas? A Since '72.
Q Where were you born? A Leake County, Mississippi.
Q And you lived in Mississippi how long? A We moved there to Choctaw County; I lived there till I was seven years of age; then I went to Tennessee to school four years and then went to Alabama.
Q How long did you live in Alabama? A Till I was seventeen years old. I went in the army then for about four years and came back to Tennessee and then to Mississippi and back to Tennessee and then to Arkansas.
Q Where you have been since? A Yes sir.
Q Is your father living? A No sir; dead.
Q Is your mother? A No sir she's dead.
Q What was your father's name? A Winchester Dumas.
Q What was your mother's name? A Louisa Jenkins was her maiden name.
Q You claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A About a sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I know of.
Q When and where was he married? A In South Carolina; I can't exactly tell the day of the month and year; he was born in 1806. I think he married sometime in '22 or '23, somewhere in there; I can't remember the day; the Bible was destroyed with the fire.
Q You haven't the proof with you? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Margaret L.; she was a King her maiden name.

Q Is she living? A Yes sir.
Q Is she a Choctaw Indian or white woman? A No sir; she's a Virginian; she don't claim any Choctaw blood.
Q You make no claim for the wife? A No sir.
Q You have no minor children? A No children living at all.
Q Then you claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I never did, no sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir; well I don't know.
Q You never have been admitted? A I don't know myself whether I have or not.
Q Well, you never heard that you were admitted as a citizen-an Indian? A I have heard that my grandmother-
Q Well, but you, yourself? A No sir; only through her.
Q This is the first application you have ever made to any authority? A Yes sir.
Q Do you now want to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you think you understand that article of that treaty? A I think I do; I have heard it read and explained several times.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q How do you know if any of your Choctaw ancestors complied with any of the provisions of that article of that treaty? A I don't know from the history of the thing, unless they have just registered here lately. Under that treaty? I have heard that my grandmother registered under that treaty. My grandmother, Elizabeth Dumas.
Q When did she marry? A E.V. Dumas.
Q White man? A Yes, Frenchman.

Q How much Choctaw blood did Elizabeth Dumas have? A A fourth.
Q Did she live in Mississippi or Alabama in that old Choctaw nation in 1830? A I think she lived in Mississippi; I know she lived in Mississippi; I have seen her sister, Keziah, when we lived in the Choctaw Nation, Mississippi.

Q You knew her sister, Keziah? A I recollect I have seen her.

Q She was living in Mississippi? A Yes sir; she visited us in Choctaw County and I think she was living there then.

Q Did you ever hear that your grandmother, Elizabeth Brasher or Dumas lived in Mississippi in the old Choctaw Nation in 1830 and was head of a family there then? A I don't know, but I think she was living there at that time.

Q And had a family of children there at that time? A I don't know about that; from the history of the family I suppose she was; for I know my father was born in 1805 from the records; W. Dumas.

Q Where was he born? A I can't tell you.

Q Mississippi or Alabama or where? A In South Carolina; I think, in Green County, near the Court house in Alabama.

Q Was he the son of Elizabeth and E.W. Dumas? A Yes sir; he was the oldest son.

Q Did he have brothers and sisters? A Yes sir; nine younger than himself

Q Were some of them born in Mississippi after his death? A I can't tell; I think they was the young ones; I think Uncle Manley and Ben was born in Mississippi.

Q Do you know when? A No sir.

Q How old would they be if living now? A --

Q These two you mentioned? A I think Ben was next to the youngest and the other I think died before the war but he would be about 75 or 80 years old, the youngest one I think. I think Manley and Ben was born in Mississippi.

Q Did any of your Choctaw ancestors own any improvements in Mississippi or Alabama in 1830? A Not as I heard of.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not as I heard of.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory---? A Not as I know.

Q Did any of them go to the United States Indian agent within six months from the ratification of the treaty of 1830 and tell him that they wanted to comply with article fourteen of the treaty of 1830?

A I have heard my grandmother did.

Q Whom did she go to? A I don't know.

Q Did she go before a Commission or Col. Ward? A I don't know; it was before the United States authorities.

Q Col. Ward heard these applicants in 1831 within six months after the ratification of the treaty of 1830, and Commissions were appointed, one in 1837 and the other in 1842 to hear all claims of Choctaw Indians who claimed they had gone before Col. Ward and had not been registered by him; do you know whether he went before either of these Commissions? A I can't tell.

Q Col. Ward failed to register a great many Indians who went before him under article fourteen of the treaty of 1830 and as a result of his failure to do so these Indians lost their land which they were entitled to in that old Choctaw Nation. A I don't know anything about that. But I have heard that they moved the Indians between 1836 and 1837.

Q Did any of your Choctaw ancestors go with them? A No sir.

Q Did any of your Choctaw ancestors get any scrip from the Government under the act of Congress of August 23, 1842? A Never heard of any.

Q This scrip was issued to those Indians who claimed they had complied with article fourteen and also that their land had been taken by the Government and sold at Public Land Sale; they could under this scrip take land in Mississippi, Alabama, Arkansas or Louisiana.

A I never heard of them doing that.

Q What relation are you to Scott S. Dumas? A He is a cousin of mine.

Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you want to have your case considered with his? A Yes sir.

Q And do you want all those relatives who claim through the same common ancestor with you considered together? A Yes sir.

The case of Scott S. Dumas-- 4006-- is here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Any questions, Judge? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. Complexion is ruddy and eyes are blueish gray; hair is dark brown-- he claims it was formerly black-- his whiskers are brownish gray.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 13 day of June, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMS DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. L. STANLEY.

COPY.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. 5726.

ALLISON L. AYLESWORTH,
SECRETARY.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Aurelius W. Dumas,

Little Rock, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4528
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Ison Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moima Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Crenger, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margrot Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Melinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

1

Respectfully,

Chairman.

Registered.

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REFER IN REPLY TO THE FOLLOWING
MCR 5726

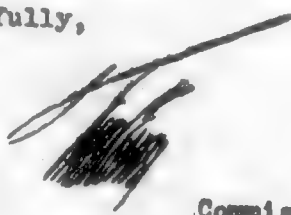
DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 22, 1906.

Aurelius W. Dumas,
Little Rock, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,



Commissioner.

No.

5726

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name Aurelius W. Thomas.

Age 58.

Blood

1/16

Post-Office, Little Rock, Ark

Father: ^{2nd & 1/2} Winchester Thomas, d

Mother: Louisa

"

d

Claims through

father -

wife, Margaret L. Thomas, d

No claim for wife -

~~XXXX~~

Claims for self
alone

Stenographer

H. G. Haine

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Aurelius W. Dumas in the matter of his appli-
cation for identification as a Mississippi Choctaw, M.C. 5726.

Dated at Muskogee, Indian
Territory, June 30, 1902.

J. S. Rains

5726

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Aurelius W. Dumas,

Little Rock, Arkansas.

COMM. ON INDIAN AFFAIRS, HOUSE OF REPRESENTATIVES.

FILED

JUL 2 1903

CHAMBERLAIN

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Aurelius F. Fumas,

Little Rock, Arkansas.

10679
✓

Choctaw MCR 5727

Mattie E. King

See MCR 762

MCR 5727

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I.T. May 29, 1902.

5727

In the matter of the application of Mattie E. King for the identification of herself and her minor child, Kenyon Roberta King, as Mississippi Choctaws.

J.G.Ralls, attorney for applicant.

Mattie E. King being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie E. King.
Q What is your age? A I was thirty one years old in October.
Q What is your post office address? A Alvin Texas.
Q How long have you lived in Alvin? A It will be five years next November.
Q Where did you live before that? A Cleburne, Johnson County, Texas.
Q Where were you born? A Ellis County, Texas.
Q Have you always lived in that State? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A John A. Moore.
Q What was your mother's name? A Maggie D. Moore.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A A thirty second.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Yes sir.
Q Enrolled as a Choctaw Indian? A Yes sir.
Q In the Indian Territory? A Yes sir; he has just been before the Commission.
Q When did he come before the Commission? A Last month I believe.
Q To be identified as a Mississippi Choctaw? A Yes sir.
Q That's what you mean--? A Yes sir.
Q He never has been enrolled? A No sir; he just made application to the Commission.
Q Have you proof of the marriage of your father and mother with you? A I haven't with me but I can get it.

Q When and where were they married? A In Indian County, Arkansas, in 1867; it was February; I don't know the day of the month.
Q By a minister and under a license? A I don't know.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Fred S. King.
Q Is he a white man or Choctaw Indian? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for? A One.
Q What is the name? A Kenyon Roberta King.
Q How old is she? A Five months.
Q Is that all? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes -well, I don't understand what that is exactly.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Pandoc Rabbit Creek in the State of Mississippi. The object of the treaty was to get all the Choctaw Indians who lived in the old Choctaw Nation to go from that old Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors if they were Choctaw Indians complied or attempted to comply with the provisions of that article?

A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George Tubb.

Q What relation was he to you? A He was my father's grandfather; my great grandfather.

Q You claim through your father, John Moore,? A Yes sir.

Q And he claimed through which parent? A His father.

Q What was his father's name? A George W. Moore.

Q And he claimed through whom? A His mother.

Q Her maiden name was what? A Lydia Tubb.

Q And her father was George Tubb? A Yes sir.

Q Did this ancestor of yours, George Tubb, live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.

Q Did you ever hear that any Choctaw ancestors of yours ever lived in that old Choctaw Nation and was the head of a family there in 1830? A No sir.

Q Never heard whether any of them lived there in that old Nation? A No sir.

Q How old would George Tubb be if living now? A I don't know.

Q Did he have a Choctaw Indian name? A He did; it was Pa-tubbe.

Q Did he receive any land in the Choctaw Nation? A I don't know.

Q Did he claim any land under article fourteen of the treaty of 1830 in the old Choctaw Nation? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required to go to the United States Indian agent within six months after the ratification of the treaty if they wanted to take advantage of that article and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Indians did this whose names Col. Ward failed to put on his register or list known as Ward's register; his neglect to do this caused many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; this caused so many complaints among the Choctaw Indians that Congress appointed a Commission in March 3, 1837, and another in August 23, 1842, and these Commissions went to Mississippi and heard those claimants under article fourteen of the treaty of 1830 and made a list of all claimants who came before them.

Q Did any of your Choctaw ancestors go before either of these Commissions of 1837 or 1842 and claim any benefits under article fourteen of that treaty? A I don't know.

Q Did they receive any? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to all those Choctaw Indians who proved their rights under article fourteen and also proved that they had formerly had land in Mississippi in the old Choctaw Nation which the Government had taken and sold. What relation is Milton Ikard to you?

A Third cousin.

Q Some other relatives of yours have been before the Commission, have they not? A Yes sir; most of them are named Moore.

Q They all claim through George Tubbs? A Yes sir; the same as Milton Ikard does.

Q Would you like to have the case of Milton Ikard and all others claiming through the same common ancestor--A Yes sir.

Q Who is Lafayette E. Ikard? A I don't know; Milton is the only one I know.

The case of Lafayette E. Ikard, M.C.R. 762, is here referred to.

A I have heard that Lafayette is Milton Ikard's brother.

Q Would you like to have your case referred to M.C.R. 762, Lafayettes E. Ikard? A Yes sir.

Q Do you understand the Choctaw language? A No sir.

Q Is there anything further? A No sir.

Q Any questions, Judge? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, medium light complexion; brown hair; she has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 28 day of June, 1902.

Henry G. Hains
Carmit Caldwell

Notary Public.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5727

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Mattie E. King,
Alvin, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Iylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubbs, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 797
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Ailine Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Mezy Moore, Annie May Moore, Graham Moore, Ityene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ola Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Jan Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, Jr., Aaron Moore, Duncan Moore, Hattie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Samuel D. Dixby.

Chairman.

Registered.

M.C.R. 5727

Muskogee, Indian Territory, May 1, 1905.

Mattie E. King,

Alvin, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Heard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name *Mattie E. King*Age *31* Blood *1/32*Post-Office, *Alvin, Texas.*Father: *John A. Moore, l.*Mother: *Maggie R. " d*Claims through *father.**husband Fred S. King, l. w.**No claim for husband.*Children: -*Myron Roberta King, T. 5 m**Claim for self & child*Stenographer *X. G. Hains*

Choctaw MCR 5728

Fannie B. Waltrip

See MCR 762

MCR 5728

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 29, 1902.

5728

In the matter of the application of Fannie B. Waltrip for
identification as a Mississippi Choctaw.

J.G. Ralls, attorney for applicant.

Fannie B. Waltrip being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Fannie B. Waltrip.
Q What is your age? A I am eighteen will be nineteen tomorrow.
Q What is your present office address? A Hutto, Texas.
Q How long have you lived at Hutto? A Eight months.
Q Where did you live before that? A Taylor for three months about.
Q How long have you lived in the State of Texas? A All my life.
Q Were you born there? A Yes sir.
Q Where were you born in Texas? A Ellis County.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A John A. Moore.
Q What was your mother's name? A Maggie D. Moore.
Q Do you claim your Choctaw blood through your father or mother?
A Father.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the authorities of the United States in the Indian
Territory? A No sir; he has made application as a Mississippi Choctaw
Q When did he make application to be identified as a Mississippi
Choctaw, do you remember? A About a month ago.
AQ Before the Commission at Muskogee,? A Yes sir.
Q But that is the only application he ever made as far as you know?
A Yes sir.
Q His first application to the Dawes Commission? A Yes sir.
Q Do you know when and where your father and mother were married?
A In Cook County, Arkansas; I don't remember the day of the month;
I think it was '66.

Q Were they married under a license and by a minister? A I don't know.

Q Are you married? A Yes sir.

Q What is your husband's name? A Charles H. Waltrap.

Q Is your husband living? A Yes sir.

Q Is he a white man or Choctaw Indian? A White man.

Q Do you make any claim for him? A No sir.

Q You have no children? A No sir.

Q You claim for yourself alone, do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever before this application tried to become enrolled as a member of the Choctaw tribe of Indians by making application to any authority whatever? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you want to be identified now as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A I don't know.

Q You don't understand that article? A I don't.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, that year; the object of the treaty was to remove as far as practicable all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory, and so in order to protect the interests of those who stayed back there in the old Choctaw Nation, article fourteen was put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q what is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A We claim under Tubb.

Q what is his Christian name? A George.

Q How much of a Choctaw was he? A I think he was a quarter.

Q what relation was he to you? A He is my great grandfather.

Q did he live in Mississippi in 1830? A I don't know.

Q did you ever hear whether your great grandfather lived in the old Choctaw nation in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir; I never.

Q did you ever hear that any of your Choctaw ancestors lived there-?

A No sir.

Q At any time and had children there then? A No sir.

Q How old would George Tubb be if living now? A I don't know.

Q Where was he born? A I don't know.

Q Do you know when he was born? A No sir.

Q Do you know when or where he died? A No sir.

Q You claim through your father? A Yes sir.

Q he claimed through whom? A His father.

Q what was his name? A George Moore.

Q And he claimed through whom? A His mother.

Q her maiden name was what? A Lydia Tubb.

Q was she the daughter of George Tubb, your great grandfather?

A Yes sir.

Q Did she live in Mississippi, do you know? A No sir, I don't.

Q Don't know whether she lived in Mississippi or Alabama? A No sir, I think she lived in Alabama.

Q do you know where in Alabama? A No sir, I am not certain she lived there.

Q well, you don't know she lived there in 1830, any way? A No sir.

Q You cannot give the name of any ancestor that you know certainly lived in the old Choctaw nation in Mississippi or Alabama in 1830 and had a family there then? A No sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in 1830 under article fourteen of the treaty of 1830? A I don't know.

Q did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw nation in 1830? A I don't know.

Q Did any of them go from that old nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838?

A I don't know.

In 1827 by an act approved March 3, that year, and also in 1842 by an act of Congress approved August 23, that year, Commissions were appointed by Congress to go to Mississippi and hear claimants Choctaws who claimed rights under article fourteen, and who also claimed that in 1830, within six months after the ratification of the treaty of 1830, they had gone to Col. Ward and endeavored to register under article fourteen of the treaty of 1830 but that he had refused to put their names upon his list known as Ward's register and his refusal to do so caused many Indians who held land in Mississippi upon which they had improvements to have that land and in-

provements upon it taken and sold by the Government at Public Land Sale.

Q Do you know whether any of your ancestors went before either of these two and claimed benefits under article fourteen of the treaty of 1830? A I don't know.

Q A scrip was issued under the act of Congress approved August 23, 1842. It was given or distributed to those Indians who claimed their rights under article fourteen and also proved that they had land in Mississippi which the Government had taken and sold. Your father was John A. Moore? A Yes sir.

Q And he made application a short time ago to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you know Lafayette E. Ikard? A No sir.

Q Did you ever hear of Milton Ikard? A Yes sir; he is third cousin.

Q Well, Lafayette Ikard is a brother of his. A Well, I don't know.

Q Do you want to have the cases of all relatives of yours who claim the right to be identified from your common ancestor, George Tubb, considered with your case? A Yes sir.

Reference is here made to the case of Lafayette E. Ikard, -762-- a brother of Milton Ikard, whom this applicant knows as a third cousin of himself; this reference is made for the purpose of consolidation of the cases under one head.

Q Do you speak or understand the Choctaw language? A No sir.

Q Is there anything more you want to say in support of your claim? A No sir.

Q Any questions, Judge? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830. She has fair complexion, brown hair and blue eyes.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28 day of June, 1902.

Charles Mitchell Wood

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5728

ALLISON L. AYLFORTH,
SECRETARY

ALLISON L. AYLFORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Fannie B. Waltrip,

Hutto, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearse, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
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James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
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Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
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James D. Reed, et al.	M. C. R. 4341
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Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
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William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4804
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethelama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Colleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Fimis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claude Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, Jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

M.C.R. 5728

Muskogee, Indian Territory, May 1, 1905.

Fannie Waltrip,

Hutto, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5728

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name Fannie B. Wattrip.

Age 19 - Blood 1/32

Post-Office, Hutto, Texas -

Father: John A. Moon b.

Mother: Maggie R. " d

Claims through father - -
husband Charles M. Wattrip, l.w.

No claim for
husband

Children:

Claims for self
alone

H. M. Davis

Choctaw MCR 5729

Hugh S. Moore

See MCR 762

MCR 5729

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 29, 1902.

5729

In the matter of the application of Hugh S. Moore for the identification of himself and his three minor children, Orville, John A., and Freda L. Moore, as Mississippi Choctaws.

J.G. Ralls, attorney for applicant.

Hugh S. Moore, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Hugh S. Moore.
Q What is your age? A Twenty seven.
Q What is your post office address? A Alvin Texas.
Q How long have you lived at Alvin? A One year.
Q Where were you born? A Ellis County, Texas.
Q Always lived there- in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A John A. Moore.
Q What was your mother's name? A Maggie D. Moore.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A He has been before the board here that's all.
Q Been before the Commission, has he? A Yes sir.
Q For what purpose? A For identifying a claim.
Q For identifying himself as a Mississippi Choctaw? A Yes sir.
Q How long ago was it, do you know? A Probably a month.
Q That is the only time he appeared before the Commission? A Yes sir.
Q Did he ever go before the Choctaw tribal authorities? A I think not.
Q When and where were your parents married? A In Arkansas in '66.
Q By a minister and under a license? A I don't know.
Q Remember the day of the month? A It was in February.
Q You don't remember where in Arkansas? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Tennie Moore.
Q Is she living? A Yes sir.
Q Is she a white woman or Choctaw Indian? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A Yes sir.
Q How many? A Three.
Q What is the name of the eldest? A Orville.
Q Is he? A Yes sir.

Q How old? A Four years old.
 Q Next? A John A.
 Q How old? A Two years old.
 Q The next? A Freda L. Moore. A girl.
 Q How old is Freda? A Four weeks old.
 Q You claim for yourself and children? A Yes sir.
 Q Is Tennie Moore the mother of these children? A Yes sir.
 Q And you are the father? A Yes sir.
 Q Is your wife and are your children living with you at your home?
 A Yes sir.
 Q Were either of you married before? A No sir.
 Q Is your name or your childrens' on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
 A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever previous to this application? A No sir.
 Q This is the first time that you have ever come before any authority to enroll yourself and your children? A Yes sir.
 Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A ---No answer.
 Q Don't you know about that treaty? A No sir.

The treaty of 1830 was made between the United States authorities and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the twenty seventh day of September, that year. The object of that treaty was to effect the removal of those Choctaw Indians from that old Choctaw nation to the Choctaw nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians who afterwards remained back in the old Choctaw Nation would refuse to go to the Choctaw nation, Indian Territory, under that treaty; that is about 6000 of them. Some provision had to be made for them in the treaty, so article fourteen was drafted and put into the treaty for them; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw

citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty?

A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George Tubb or Tubb I guess.

Q What was his Choctaw Indian name if he had one? A Pa-tubb.

Q How much Choctaw blood did he have? A He was a half breed.

Q Where did he live in 1830? A I don't know.

Q Did he ever live in Mississippi? A He did but I don't know what time.

Q Did he ever live in Alabama? A I think they lived in Alabama; I won't say that-- but I think they lived in Mississippi-- in- I won't say in what time.

Q You never heard of any Choctaw ancestor who lived in the old Choctaw Nation in 1830 and was the head of a family there then?

A I don't know.

Q What I mean by head of a family-- whether any ancestor had children there then at that time? A He had children if he was there. I don't know whether he was there then; he was there in Mississippi and Alabama always; he died there.

Q How old was he when he died? A I don't know.

Q Where or when did he die? A I don't know.

Q When and where was he born? A I don't know.

Q But you do know that he lived in Mississippi? A Yes sir.

Q Did you ever know that he lived in any other State? A I don't know.

Q How old would he be now? A I don't know.

Q You claim through your father? A Yes sir.

Q What was his name? A George Moore.

Q And he claimed through whom? A His mother.

Q What was her name? A Lydia Tubb, was her maiden name.

Q Was that George Tubb's daughter? A Yes sir.

Q Did any of these ancestors live in Mississippi or Alabama? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

The Indians who stayed back there in the old Choctaw Nation were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of

the States; a good many Indians did so those names Col. Ward failed to put upon his register called Ward's Register; his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both for the Government sold them at Public land sale; this caused so many complaints among the Choctaw Indians that in 1837 a Commission was appointed by Congress and also in 1842 another Commission was appointed by Congress under various acts and these two Commissions went to Mississippi and heard claimants under article fourteen and made lists of the names of those who came before each one of them respectively.

Q Did any of your Choctaw ancestors go before any of these Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to land and which was issued under an act of Congress approved August 23, 1842? A I don't know.

Q This scrip entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which they claimed they had formerly held in the old Choctaw Nation and which the Government had taken from them and sold. Do you want to have your case considered with the case of your father, John A. Moore, and all other relatives who claim through the same common ancestor you claim through? A Yes sir.

Q Who is Milton Ikard? A I don't know. Yes, he was a second cousin

Q And Lafayette is his brother-- did you know that? A No sir.

Q You also want to refer to the case of Milton and Lafayette Ikard and all other relatives? A Yes sir.

The case of Lafayette Ikard, N.C.R. 762, is here referred to for the purpose of consolidation.

Q Do you speak Choctaw? A No sir.

Q Have you any other evidence? A No sir.

Q Have you anything else you want to say in support of this claim?

A I have my marriage license.

Marriage license of H.S. Moore and Tinnys Israel offered by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

Q Is H.S. Moore in this marriage license your self? A Yes sir.

Q Is Tinnys Israel your wife? A Yes sir.

Q Is it the same person that you gave as Tinnie Moore? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, medium dark complexion, brown hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Davis

Subscribed and sworn to before me this 30th of June 1902.

Wm. Mitchellwood

Notary Public.

COMMISSIONERS

JAMES BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
W. L. STANLEY.

ALLISON L. AYERSWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5729

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Hugh S. Moore,

Alvin, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
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Mattie E. King, et al.	M. C. R. 5729
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Iylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
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Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, Jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

—5—

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

[Handwritten signature]

Registered.

Chairman.

M.C.R. 5729

Muskogee, Indian Territory, May 1, 1905.

Hugh S. Moore,

Alvin, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name

Hugh A. Moore

Age

27

Blood

1/32

Post-Office.

Alvin, Texas.

Father:

John A. Moore, l.

Mother:

Maggie H. " d

Claims through

father ---
wife, Jennie Moore, l. w.
No claim for wife.

Children:

Orville Moore, 4
John A. " 2
Freda L. " F & W mclaims for wife
and children

Stenographer

H. G. Harris -

Choctaw MCR 5730

George H. Moore

See MCR 762

MCR 5730

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 29, 1902.

5730

In the matter of the application of George H. Moore for identification as a Mississippi Choctaw.

J.G.Ralls, attorney for applicant.

George H. Moore being sworn testified as follows:

Ex amination by the Commission.

Q What is your name? A George H. Moore.
Q What is your age? A Twenty four.
Q What is your post office address? A Alvin Texas.
Q How long have you lived at Alvin? A Four years.
Q Where did you live before that? A Johnson County, Texas.
Q Have you always lived in Texas? A Yes sir.
Q Where were you born? A Ellis County, Texas.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A John A. Moore.
Q What was your mother's name? A Maggie D. Moore.
Q How much Choctaw blood do you claim to have? A A thirty second.
Q You claim it through whom? A Father.
Q Has your father ever been recognized as a Choctaw Indian---
A No sir.
Q Do you remember when and where your father and mother were married? A In Arkansas in '66.
Q Do you remember the day of the month? A No sir.
Q Remember the place? A Eldorado, I think.
Q By a minister and under a license? A I don't know.
Q Have you proof of their marriage with you? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1897? A No sir.

Q Have you ever made any application for enrollment as a Choctaw citizen at any time or before any authority except now before the Commission? A No sir.

Q Have you ever been enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Do you now want to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you understand that article? A I don't fully understand it- no sir.

The treaty was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830, and was ratified on the 24th day of February 1831: the object of the treaty was the removal of all the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not sign or go to the Choctaw Nation Indian Territory and in order to protect the interests of those who stayed back there article fourteen was put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is article fourteen of the treaty of 1830 and simply means that the treaty was made with that article in it for the protection of all the Choctaw Indians who stayed back there in the old Choctaw Nation. Do you think you understand that well enough to claim under it? A I don't know---to attorney-"Do we claim under that?" "Yes sir"--- A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George Tubb.

Q Did he live in Mississippi in 1830? A I don't know.

Q Never heard that he lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.

Q Did you ever hear of any Choctaw ancestor of yours who was? A No sir.

Q How old would he be if living now? A I don't know.

Q What relation was he to you? A Great great grandfather.

Q Is that your brother? (Pointing) A Yes sir.
 Q We said it was your grandfather - your great grandfather? A Yes that's so; George W. is my grandfather and then Aleck Moore would be my great grandfather and Tubb would be my great great grandfather; it is the same as theirs.
 Q How much Choctaw blood did George Tubb have? A It was a half; Fannie put it in as a quarter but it is a half.
 Q What was George Tubb's Indian name if he had any? A I don't know.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in that old Choctaw nation under article fourteen of the treaty of 1830? A I don't know.
 Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your Choctaw ancestors go from that old Choctaw nation to the Choctaw nation Indian Territory between 1833 to 1838? A I don't know.
 Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation refusing to go to the Choctaw nation Indian Territory under the treaty of 1830 were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put on his list known as Ward's register, and as a result of his neglect those Indians who held land in the old Choctaw nation upon which they had improvements lost both land and improvements; they were sold by the Government at Public Land and Sale. This caused so many complaints among that Choctaw Indians that in 1837 Congress appointed a Commission in March 3, and also in 1842 August 23, another; these Commissions went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under that article of that treaty? A No sir.
 Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.
 Q This scrip was issued under an act approved August 23, 1842; it was issued to those Choctaw Indian claimants who claimed that they had proved their rights under article fourteen of the treaty of 1830 and also proved that they had land in the old Choctaw nation which the Government had taken from them and sold. Do you know who Lafayette B. Ikard is? A No sir; I have heard of his brother Wilton Ikard who is a third cousin of mine.
 Q Do you want to have their cases and all other relatives claiming through the same common ancestor considered with yours? A Yes sir.
 Q And consolidated under the head of Lafayette B. Ikard, M.C.R. 762, A Yes sir.

Do you understand or speak the Choctaw language? A No sir.
Q Have you any other statement you want to make in support of this claim? A No sir.
Q Any questions, Judge? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes, dark brown hair, ruddy complexion; he does not understand the Choctaw language and had no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

asubscribed and sworn to before me this 30 of June 1902.

Committee on

Notary Publ

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5730

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

George H. Moore,
Alvin, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearle, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

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Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
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Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
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Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
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Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
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William Alexander Moore	M. C. R. 5906
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Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubbs, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Sue Willie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
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Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Aivina Bail, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Michael L. Ikard, Elisha W. Petty, Ruby L. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethelama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Colora E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Fins E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Jamie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wenworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Allin Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Loke Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Anna Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Marie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Melzy Moore, Annie May Moore, Graham Moore, Iyline Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ola Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Lee Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aymer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Sue Willie Ikard Canuse, Chas Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myra Webb, William E. Ikard, Jan Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Daisella Cole, Anson T. Cole, Marguerite Cole, Cathrine Cole, Jennie O. Hoop, Thomas W. Hoop, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Soen, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lillian Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther E. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Halie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Edw. M. Kirby.

Registered.

Chairman.

M.C.R. 5730

Muskogee, Indian Territory, May 1, 1905.

George H. Moore,

Alvin, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 5750

For Identification as a Mississippi Choctaw.

Date

MAY 29 1902

Name George H. Moore

Age 24

Blood

1/32

Post-Office, Alvin, Texas.

Father: John A. Moore, L.

Mother: Maggie " d

Claims through

father - - - -

~~Children:~~

Claims for self
alone

Stenographer H. L. Hains

Choctaw MCR 5731

Lawrence W. Dumas

See MCR 4006

MCR 5731

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 31, 1902.

5731

In the matter of the application of Lawrence W. Dumas for the identification of himself and his five minor children, Mallie T., Anna G., Katie L., Janie S. and Lawrence W. Dumas, Jr., as Mississippi Choctaws.

J.G. Ralls, a attorney for applicant.

Lawrence W. Dumas, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lawrence W. Dumas.
Q What is your age? A Fifty one.
Q What is your post office address? A Bullard, Texas.
Q How long have you lived at Bullard? A About twenty seven years.
Q Where did you live before that? A Well, I lived out above Ft. Worth before that in Texas; I have lived in Texas all my life; born there and always lived there.
Q Is your father living? A Dead.
Q Is your mother? A She's dead.
Q Through which parent do you claim Choctaw blood? A Father.
Q What is your father's name? A Lawrence W. Dumas.
Q How much Choctaw blood do you claim? (Attorney says 1/16)
Q What is your mother's name? A Antoinette Dumas.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q When and where were your father and mother married? A Rusk, Cherokee County, Texas.
Q What date? A I don't know. About '49 to the best information I have.
Q You haven't proof of their marriage with you? A No sir.
Q You can introduce that can you within a few days? A Yes, I suppose so; if the records haven't been destroyed.

Q Are you married? A I have been.
Q Have you any minor children that you want to present now? A Five.
Q Your wife is dead? A Yes sir.
Q What was her name? A Mattie Dumas.
Q Did she have any Choctaw Indian blood or was she a white woman?
A I don't know that she had any; I don't know.
Q Give me the names of your children commencing with the eldest;--
the minors. A Mallie T. a boy,
Q How old is Mallie? A He is twenty. Annie C. Dumas, seventeen.
Q Next? A Katie L., fifteen.
Q Next? A Janie S. 13 and Lawrence W. Jr. ten.
Q You claim for yourself and children, do you? A Yes sir.
Q Was Mattie Dumas the mother of these children? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q When and where were you married to your wife, Mattie? A In 1879
in Cherokee County.
Q Remember the day of the month? A 29th day of October.
Q By a minister and under a license? A Yes sir.
Q Have you proof of that marriage with you now? A No sir, I can
get it.
Q You can present it to the Commission within a few days? A Yes
sir.
Q Is your name or the name of any of your children on any of the
tribal rolls of the Choctaw Nation in the Indian Territory? A No sir
I think not.
Q Have you ever made application for citizenship in the Choctaw
Nation for yourself and children to the Choctaw tribal authorities
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Na-
tion for yourself and children to the Dawes Commission under the act
of Congress of June 10, 1896? A I haven't.
Q Have you ever previous to this application which you are making
now been before the Dawes Commission or Choctaw tribal authorities
for the purpose of enrolling yourself and children as Choctaws?
A I haven't.
Q Have you ever been admitted or your children to citizenship in
the Choctaw Nation by either the Choctaw tribal authorities, the
Commission to the Five Civilized Tribes or the United States Court
in Indian Territory? A No sir.
Q Do you now come before the Commission to be identified with your
children as Mississippi Choctaws claiming under article fourteen of
the treaty of 1830? A Yes sir.
Q Do you understand that article? A I don't know as I understand it
thoroughly; I understand it well enough I think to claim citizenship
under it.
Q You have had it explained to you? A Yes sir.
Q Do you care for a further explanation? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September that year. The object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a large number of Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory under the treaty and to protect them and their interests article fourteen was put into the treaty of 1830. That article reads as follows: "each Choctaw head

of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I think my father lived there in that country up to about '48; I don't know; he died when I was quite small but I have heard.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother, Elizabeth Brahser; she married I believe E.W.Dumas.

Q E.W.Dumas was a white man wasn't he? A Yes sir.

Q How much Choctaw blood did his wife Elizabeth have? A She was about a quarter I understand.

Q Did she live in Mississippi or Alabama? A She lived in that Choctaw country I don't know whether it was Mississippi or Alabama; my understanding is that they lived in that country.

Q In the Choctaw Nation in Mississippi or Alabama? A Yes sir.

Q Did she live there in 1830? A That has been my understanding.

Q Did she have a family of children living with her then; that is, was she the head of a family in the old Choctaw Nation in 1830?

Q It has been my understanding she was.

Q You get that through family history? A Yes sir; from some older ones.

Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I think not.

Q Did any of your Choctaw ancestors go to the United States Indian agent within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

In 1837 under an act of Congress approved March 3, 1837, and in 1842 under an act approved August 23, that year, Commissions were appointed by Congress to go to Mississippi and hear all of those Indians who claimed benefits under article fourteen of the treaty of 1830. The reason why these different Commissions were appointed was

because a good many complaints were made by the Choctaw Indians that within six months after the ratification of the treaty of 1830 they had gone to Col. Ward and attempted to register their names under that article but that he had refused to put their names upon any list made by him; because of his neglect the Indians lost their lands which they held in this old Choctaw Nation-- the Government took their lands and sold them at Public sale.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians? A I never heard anything about it.

In 1842 under an act approved August 23 that year, where an Indian showed that he had a right under article fourteen of the treaty of 1830 and also showed that his land had been taken from him and sold, this act provided that he might receive scrip or a certificate which would entitle him to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land which the Government had taken from him.

Q Did any of your Choctaw ancestors receive any such scrip from the Government? A Not that I have ever heard.
Q Who is Scott S. Dumas? A He is a first cousin.
Q He has been before the Commission to be identified as a Mississippi Choctaw, hasn't he? A I understand he was coming.

Scott S. Dumas et al is here referred to for the purpose of consolidation of these cases.

Q And other relatives of yours have been before the Commission have they not? A Yes sir.
Q Do you want to have all these cases considered together? A Yes sir.
Q Do you understand the Choctaw language? A I don't.
Q Is there anything more you want to say?---

Examination by J.G. Ralls:

Q Do you know Frank E. Dumas who is present for the purpose of making application for identification as a Mississippi Choctaw?
A Yes sir.
Q Did you know his father? A Yes sir.
Q What relation was his father to you? A Own cousin

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; has medium fair complexion, brown hair, and lighter brown mustache and blue eyes; he has no

knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article four teen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 31, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 30 day of June, 1902.

Clarence L. Wood

Notary Public.

Miss. Choctaw R5731

Muskogee, Indian Territory, June 20, 1902.

J. G. Ralls,

Attorney at Law,

• Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 17, inclosing certified copies of marriage licenses and certificates between Lawrence W. Dumas and Miss M. T. Wilkinson, and between L. W. Dumas and Mrs. Antoinette J. Waites, the latter being the father and mother of the applicant, Lawrence W. Dumas, which you offer in support of the application for identification as Mississippi Choctaws of Lawrence W. Dumas et al. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R5731

Muskogee, Indian Territory, June 25, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 21, inclosing affidavit of Lawrence W. Dumas, explaining the difference in the name of his mother as given by him in his testimony and as it appears in the certified copy of the marriage license filed in this case, and the affidavit has been made a part of the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON I. AYERSWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5731.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Lawrence W. Dumas,
Bullard, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emisley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vie Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leband Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maly Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Milinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours truly,

John D. Dickey

Chairman

Registered.

COPY.

MCR 5731

Muskogee, Indian Territory, January 22, 1906.

Lawrence W. Dumas,
Bullard, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

James H. Smith
Commissioner.

No. 5731

For Identification as a Mississippi Choctaw.

Date

MAY 31 1902

Name Lawrence W. Thomas.

Age 51 — Blood 1/16

Post-Office, Bullard, Texas.

Father Lawrence W. Thomas, d.

Mother Antoinette " d.

Claims through father
wife, Mattie Thomas, d.

Children:

Mollie T. Thomas (M) 20.

Anna C. " 17

Katie L. " 15

Jamie S. " 13

Lawrence W. " Jr. 10

Claims for self &
children

Stenographer E. G. Harris.

Choctaw MCR 5732

Frank E. Dumas

See MCR 4006

MCR 5732

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 31, 1902.

5732

In the matter of the application of Frank E. Dumas for identification as a Mississippi Choctaw.

J. G. Ralls, attorney for applicant:

Frank E. Dumas being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Frank E. Dumas.
Q What is your age? A Twenty two.
Q What is your post office address? A Bullard, Texas.
Q How long have you lived there? A About three years.
Q Where did you live before that? A Well, I lived at Terrell, Texas; we come from Smith County there.
Q Where were you born? A In Smith County, I think.
Q You always lived in Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Frank H. Dumas.
Q What was your mother's name? A Emma Dumas.
Q Through which parent do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not to my knowledge.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Tennie Dumas.

Q Is she a white woman or an Indian? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you proof of the marriage of your father and mother with you? A No sir.
Q Do you know when and where they were married? A No, I don't; I suppose my uncle knows.
Q You can show that later within a few days? A Yes sir.
Q Have you any children? A No, sir.
Q Just claim for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A Yes sir.
Q You never have been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I think I do sufficiently.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article?
A Well, I don't know; from what I can find out I think they did.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi? — A Elizabeth Prasher; she married E. V. Dumas a white man.

Q Did she live in the old Choctaw nation in Mississippi or Alabama in 1830? A That's my understanding she did.

Q You understand that in what way? A Well, from what I can hear.

Q A matter of family history? A Yes sir.

Q How old would she be if living now? A Well, I don't know about that.

Q What relation was she to you? A My great grandmother.

Q How much Choctaw blood did she have? A A quarter I think.

Q Did she have a family of children living with her in 1830 in the old Choctaw nation? A I think so.

Q She was the head of a family then was she? A Yes sir.

Q Do you know whether she claimed through her father or mother? A No, I don't.

Q Did she own any land or claim any land in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know.

Q Did she own any improvements on land in Mississippi or Alabama in 1830? A I don't know about that.

Q Did she within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that these wanted to go to stay in Mississippi, take land there and become a citizen of the States? A Well, that's my understanding.

Q What she went to Col. Ward, the agent? You heard that did you? A No, I never heard that.

Q Well, that was the question; if she went to Col. Ward, the Indian agent within six months after the ratification of the treaty and registered under article fourteen? A Well, I don't know about that.

Q Did she go with the other Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 to 1838? A No sir, I don't know.

In 1837 by an act of Congress approved March 3, that year, and in 1842 by an act approved August 23, that year, Commissions were appointed under various provisions of Congress to go to Mississippi and hear Mississippi Choctaw Indians who claimed rights and benefits under article fourteen of the treaty of 1830; those Indians claimed that within six months from the ratification of the treaty of 1830 they had gone to the United States Indian agent, Col. Ward, and attempted to register under article fourteen but that he had refused to put their names upon his list known as Ward's Register; because of his refusal to do so a good many Indian who held land in the old Choctaw nation had it taken from them and sold.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of that treaty? A I don't.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act approved August 23, 1842, and was issued to Indians who proved their claim under article fourteen and also proved that they had land taken from them by the Government and sold. What relation is Scott S. Dumas to you? A Second cousin.
Q He has been before the Commission to be identified as a Mississippi Choctaw? A I think so.
Q Do you want to have his case considered with yours? A Yes sir.
Q And also the cases of all other relatives who have been before the Commission? A Yes sir.

Scott S. Dumas et al., 4006, is referred to for the purpose of consolidation of these cases.

Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything further you want to say now in support of your claim? A No sir.
Q Have you any other evidence you want to introduce at this time? A No sir.

BY J.G. Ralls:

Q Your grandfather and Scott S. Dumas' father were brothers were they? A Yes sir.

By the Commission:

This application has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair and brown eyes-- medium fair complexion, now tanned-- he does not understand the Choctaw language and has little knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 30 day of June 1902.

Chas. Mitchell
Notary Public.

Miss. Choctaw RS732

Muskogee, Indian Territory, June 12, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10, inclosing certified copy of marriage license and certificate between F. H. Dumas and Miss E. Barefield, which you offer in support of the application of Frank E. Dumas for identification as a Mississippi Choctaw, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5732.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Frank E. Dumas,

Bullard, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5657
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicols, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauron Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

V. C. D.

Chairman.

Registered.

MCR 1732

Muskogee, Indian Territory, January 22, 1906.

Frank E. Dumas,

Bullard, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

Commissioner.

No. 5732

For Identification as a Mississippi Choctaw.

MAY 31 1902

Date

Name Frank E.umas,

Age 22 Blood 1/32

Post-Office, Bullard, Texas.

Father: Frank H.umas, d

Mother: Emma .. — d

Claims through father —
wife. Tennie umas l, w
No claim for wife

~~Children~~

Claims for self alone.

Stenographer H. G. Hains -

mcr 5733 William K. Brown

mcr 5733

FOR IDENTIFICATION AS 5733
A MISSISSIPPI CHOCTAW. R.

William K. Brown et al

REFUSED

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

DEC 28 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

DEC 28 1902

NOTICE OF DEPARTMENTAL ACTION
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NOTICE OF DEPARTMENTAL ACTION
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NOTICE OF DEPARTMENTAL ACTION
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MAY 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAY 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 19 1903

DECISION PREPARED

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JUNE 6, 1900.

Choctaw R 501

In the matter of the application of W. K. Brown et al. for enrollment as citizens of the Choctaw Nation.

William K. Brown, being first duly sworn by Acting Chairman Bixby, testified as follows:

Examined by Acting Chairman.

- Q What is your name? A William K. Brown.
- Q How old are you? A I am 47.
- Q What is your post office address? A I live at Jesse, Indian Territory.
- Q Are you a Choctaw? A Yes sir, I am a Choctaw by blood.
- Q Do you make application as a Choctaw by blood? A Yes sir.
- Q What is the name of your father? A George Brown.
- Q Is he living or dead? A Dead.
- Q You don't know what county he claimed to belong to in the Choctaw Nation? A Skullyville.
- Q What was your mother's name? A I forget what her full name was; I was right small when she died.
- Q Haven't you ever heard anybody say? A No, you see I have been away from home for a long time. I forget her name. My boy knows. (He goes to inquire of the boy. Comes back.) Her name was Louisa Hughes.
- Q Was she on the Choctaw roll? A She was a Chickasaw.
- Q Was she on the Chickasaw roll? A I don't know; I think she is.
- Q Do you know what county she claimed to belong to in the Chickasaw Nation? A No, I could not tell you.
- Q How long have you lived in the Indian Territory? A I have been here off and on all my life.
- Q Have you been outside the Territory in the last three years? A No sir, I have been back from Texas three years.
- Q How long ago did you go to Texas? A I went to Texas nine years ago. I stayed a little over six years.
- Q You came back here three years ago. Do you remember the exact day upon which you returned? A We come in December three years ago.
- Q You can't tell the year? A That would be-- it is three years.
- Q You know it was three years ago but you don't know what year it was? A This is 1881 is it not?
- Q Well, when would three years ago be? A It would be 1884.
- Q Have you ever been enrolled by the Choctaw tribal authorities? A No sir, I come here last year to get on and my boy got sick and I had to go home.
- Q Did you ever apply to the tribal authorities for enrollment as a Choctaw? A Yes sir.
- Q Did they admit you or reject you? A Not here. I got a lawyer and sent it up.
- Q To present your case to the tribal authorities? A Yes sir.
- Q Well, what did the tribal authorities do? A They have not done nothing yet.
- Q Did you apply in 1896 to the Dawes Commission under the Act of June 10th, 1896, for citizenship in the Choctaw Nation? A What is that?
- Q Did you apply in 1896 to the Dawes Commission? A No sir.

- Q What proportion of Choctaw blood do you claim to have? A I am one third.
- Q Are you married? A Yes sir.
- Q Does your wife claim to be a citizen? A No sir.
- Q She is a citizen of the United States? A Yes sir.
- Q Where were you married? A In Texas.
- Q Have you got your marriage license and certificate? A I have not got them here with me; they are at home.
- Q Have you got any children under twenty one years of age for whom you wish to apply? A Yes sir.
- Q Give their names and ages. A Mattie Brown is 15 in August; the little girl next to her is 12 sometime last month, I forget what day; her name is Deda Brown; my other boy is named Henry, he is ten past; the other little boy is 7, Elton.
- Q Is there any additional statement in regard to your case that you desire to make at this time? A No.
- Q Have you got any affidavits that you wish to file? You will be permitted to do so if you wish. The testimony and such papers as you may desire to present will be forwarded to the Secretary of the Interior for his examination when the rolls are sent to him for review.

The enrollment of yourself and your children as Choctaws is refused for the reason that your name and the names of your children do not appear upon the rolls of the Choctaw Nation now in our possession and also for the further reason that it does not appear that you have been admitted by the authorities of the Choctaw Nation nor by the Commission to the Five Civilized Tribes under the law of June 10th, 1896, or by the United States Court, and for the further reason that it appears from your testimony that your mother was a Chickasaw if a member of any of the Five civilized Tribes, and that being the case, we could not enroll you as Choctaws.

Anna Bell, being first duly sworn by Acting Chairman Rixby says that as stenographer to the Commission to the Five civilized Tribes she reported in full the testimony in the above entitled case, and that the foregoing is a true and complete transcript of her stenographic notes in said case.

Anna Bell

Subscribed and sworn to before me this 11th day of June, 1900.

[Signature]
Acting chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 31, 1902.

5735 transferred from @hoc.R. 501.

In the matter of the application of William K. Brown for the identification of himself and his married daughter, Mattie Williams, and his three minor children, Dodie, Henry and Tom L. Brown, as Mississippi Choctaws.

No attorney for applicant:

William K. Brown being sworn testified as follows:

Examination by the commission:

- Q What is your name? A William K. Brown.
Q What is your age? A Forty eight years old.
Q What is your post office address? A Ada, I.T. Chickasaw Nation.
Q How long have you lived at Ada? A Two years right in town.
Q How long have you lived in Indian Territory? A All my life.
Q Born in the Indian Territory? A Yes sir, born in Choctaw nation, Seman County.
Q Is your father living? A No sir, been dead a long time.
Q Is your mother living? A No sir, she's been dead about forty years.
Q What was your father's name? A George W. Brown.
Q What was your mother's name? A She was a Hughes before she married Pa.
Q What was her first name? A Louise.
Q Do you claim through your father or mother? A Through them both I guess. I am claiming now through my father, my mother was a Chickasaw. What's what I have been taught all my life.
Q How much Choctaw blood do you claim through your father? A My father was a half.
Q How much Choctaw blood do you claim? A That would make me about a quarter.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't

know; he lived here about forty years-- a little over that.

Q Well, was he evr put upon the tribal rolls of the Choctaw nation?

A Well, I don't know.

Q Well, you never heard that he was? A Yes sir; I have always been taught he was enrolled.

Q How long have you lived in the Indian Territory this last time?

A I have been back here from Texas; I went out to Texas and stayed there about three years.

Q How long have you been here since you came back? A About 5 or 6 years.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mollie Brown.

Q Is she a white woman or Indian? A Yes sir, she was born in Texas.

Q Is she living? A Yes sir.

Q Do you make any claim for her? A No sir; I didn't marry according to Indian law; I married in Texas on license.

Q When and where were your father and mother married? A In Mississippi.

Q Where and when? A Pa,s been married about forty years before he died.

Q Give me the date and place of his marriage if you can? A Well, in Pontotoc County, I believe or some such county; I can't give the date. I was born here, you know.

Q Have you proof of that marriage with you? A No sir; I would have to send to the Choctaw nation and get it.

Q Have you any children you want to apply for? A Yes, I have four.

Q Give me the name of the eldest. A Mattie, she's the eldest; she is married.

Q Did you make application for her when you went before the Commission at Atoka? A Yes sir.

Q What is her name? A Mattie Williams.

Q Whom did she marry? A John Williams.

Q How old is she? A She is sixteen now.

Q Now give me the name of the next? A Dodie Brown.

Q How old is Dodie? A She is fifteen years old.

Q The next? A Henry Brown.

Q How old is Henry? A Thirteen.

Q The next? A Tom L. Brown.

Q How old is Tom? A Ten years old.

Q You claim for yourself and these children, do you? A Yes sir.

Q Is Mollie Brown the mother of these children? A Yes sir.

Q And you are the father? A Yes sir; we have been married twenty years.

Q When and where were you married to your wife? A Smith County, Texas.

Q What day of the month and year? A 1882.

Q What day of the month? A I can't tell you.

Q You haven't got that evidence with you now? A No sir; I could get it.

Q Can you present it to the Commission in a few days? A Yes, I can write to the Judge who married us.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Well, I don't know.

Q Well, you ought to know whether any of your children are enrolled as Choctaw Indians? A Well, we ought to be.

Q Well, what right have you got today if you think you are on any roll? A Well, that's what they told me today; the Commission told me to come up.

Q Does that show that you are on any of the tribal rolls of the Choctaw Nation? A No, I guess it don't.

Q Now, Mr. Brown, the question is this; now get your mind to work on this; is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory; are you enrolled as a Choctaw Indian by the Choctaw tribal authorities? A I guess not.

Q Don't you know that you are not? A I know that I am not.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A Yes sir.

Q Did you make application to the Choctaw tribal authorities? A No.

Q Now, did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation for yourself and children under the act of Congress of June 10, 1896; that is six years ago? A No sir, I don't think.

Q Now, have you ever made application for citizenship or enrollment for yourself and children in the Choctaw Nation at any time to the Dawes Commission? A Yes sir.

Q Remember the date of that application made by you? A No, I don't

Q Was it at Atoka? A Yes sir.

Q June 6, 1900? A Yes sir.

Q You remember that, do you? A Yes that's when I made there.

Q At that time you made application at Atoka before the Commission for enrollment for yourself and your minor children as citizens by blood of the Choctaw Nation? A Yes sir.

The case of this applicant, Choctaw R. 501, is here referred to for fuller information.

Q Did you make application at that time for your daughter, Mattie?

A Yes sir; she was under age then.

Q She was not married then? A No sir, been married nine months.

Q Did you make application for Dodie Brown? A Yes sir.

Q That's a girl? A Yes sir. And for a boy named Henry.

Q And what is the other boy's name? A El Tom.

Q Well, you gave it as Tom L. a few minutes ago. A Well, it is Tom L.

Q Is it Tom? A Yes sir.

Q And then a big letter "L"? A Yes sir; that's the way it ought to be.

Q Now do you want to have the record in the application which you made at Atoka, Indian Territory, June 6, 1900, Choctaw R. 501, transferred to this application and made a part of it? A Yes sir.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory; or have you been admitted to citizenship with them in the Choctaw nation by any authority whatever? A No sir.

Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article four teen of the treaty of 1830? A Yes sir.

- Q Do you understand that article of that treaty? A Well, I reckon I do.
Q You have been here and have heard that explained about 20 times?
A Well,--
Q Do you want it explained again? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830 and was later ratified on the 24th February 1831; the object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw nation to the Choctaw nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw nation, Indian Territory and in order to protect the interests of those Indians who stayed back in the old Choctaw nation article fourteen was put into the treaty of 1830; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article? A No sir, I don't.
Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Well, my father.
Q Go back as far as you can. A My grandmother.
Q Go back to some ancestor if you can who lived in Mississippi in 1830. A Well, grandmother Hughes, she lived there.
Q What is her full name? A Mary Ann Hughes, she's my grandmother.
Q Did she live in Mississippi in the old Choctaw nation in 1830?
A That's what I have always been taught.
Q How have you been taught that? A My father; he always told us boys that.
Q Was this your father's mother? A No sir, my mother's mother.
Q Well, you told me a little while ago that you claimed through your father; was Mary Ann Hughes your father's mother? A No sir.
Q Well, she hasn't got any Choctaw blood according to your own statement. A Well, that was my father's mother; that's the way it is; I forget you know; I know now that's my father's mother.

Q Now you must not change around in that way; was that your father's mother? A Yes sir.

Q Well, you said it was your mother's mother? A I aimed to say it was my father's mother.

Q Now then, you are quite positive are you that this grandmother, Mary Ann Hughes is your father's mother? A Yes sir, that's what he always taught me.

Q Did she live in Mississippi in 1830? A Yes, Pa said she did and died there.

Q Did she have children living with her in Mississippi in 1830? A Yes sir.

Q She was head of a family there then was she? A Yes sir.

Q Do you know whether Mary Ann Hughes claimed through her father or mother? A She claimed through her father.

Q Was this name, Mary Ann Hughes, her married name or her maiden name? A That was her maiden name.

Q What was her married name? A She married a Brown.

Q What was his full name? A Jim Brown, I think.

Q How old would Mary Ann Hughes be if living now? A She would be a hundred years old.

Q Do you know where she died? A In Mississippi.

Q Was she born in Mississippi? A Yes sir.

Q Did she always live in Mississippi? A That's what father said.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in 1830? A No sir, they just lived there in little houses like they did when they first come here.

Q Well, did any of your Choctaw ancestors own any land in Mississippi or claim any under article fourteen of that treaty? A No sir, not that I know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw nation in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A My father did.

Q When did he go from Mississippi to the Choctaw nation? A He came in 1832.

Q Where did he go to? A To the lower part of the Choctaw Nation;-- Scullyville County.

Q And you were born here? A Yes, I was born there.

Q Always lived there in Indian Territory? A Yes, except what little time I was there in Texas.

The Indians who stayed in the old Choctaw nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Indians did this whose names Col. Ward failed to put on his list known as Ward's Register; his neglect to do this

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caused many Indians who had land upon which they had improvements there to lose both for the government sold them at its Public and sales: This caused so many complaints among the Indians especially among those who lost their land that in 1837 by an act of Congress approved March 3, that year a Commission was appointed to go to Mississippi and hear claimants under article fourteen of that treaty; in 1842 another Commission was appointed for the same purpose.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians? A No sir.

Q Did any of your Choctaw ancestors ever receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas, or Louisiana? A No sir.

Q This scrip was issued under an act of Congress approved August 22, 1842, and was distributed to those Indians who proved their claims under article fourteen of the treaty of 1830 and also proved that their land had been taken from them and sold. A We never got any scrip; father neither— if he had I would have known it.

Q Do you speak the Choctaw language? A Yes, I can talk some.

Q How much can you speak? A I can talk a little; used to talk a deal.

Q Can you carry on a conversation in Choctaw? A Not much.

Q Have you any evidence you want to present now in support of your claim? A I have a brother if he comes, I have no more now only this old man; he knew my parents.

This applicant has the appearance and physical characteristics of being descended from white parentage; he claims one quarter Choctaw blood; his hair is black—his eyes are blueish gray, his mustache is brown—complexion is dark. He has some knowledge of the Choctaw language, having conversed in that language before the Commission with a full blood Choctaw Indian; he does not claim to understand the Choctaw language thoroughly but is able to converse in a limited degree, yet has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 21, 1882, and the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 16 day of July, 1882.

Philip Phillips
Notary Public.

Department of the Interior.
Bureau of the Land Commission, Tulsa.
Tulsa, I. T., May 22nd, 1902.

RECEIVED

Tulsa.

In the matter of the application of William L. Brown of
I. T., for identification as Muskogean Indians.
J. C. Long, attorney.

This Brown, being first duly sworn as a witness, testified
as follows in the above named application as follows:

Examination by the Commissioner:

- Q What is your name? A Mr. Brown.
- Q What is your age? A Twenty-eight.
- Q Where do you live? A I live around Muskogee.
- Q Where, in the Indian Territory? A The city.
- Q Are you a member of the Cherokee nation, are you a Cherokee Indian?
- A No sir, a Chickasaw citizen.
- Q Are you a Chickasaw citizen?
- A Yes sir.
- Q Were you ever a slave? A I never belonged to nobody.
- Q Did your father belong to anybody? A No sir, he belonged to
John Brown.
- Q Do you speak the Chickasaw language? A Oh, yes sir.
- Q Do you speak Chickasaw better than you speak English?
- A No sir.
- Q How long have you lived in this Chickasaw nation? A I came
from the old nation when I was thirteen. Then the Chickasaws
were then living, I came then.

Examination by J. C. Long:

- Q Mr. Brown where were you born at? A I was born at—my
father on the Muskogean river this side of the Chickasaw na-
tion, about four miles this side of the river.
- Q In the state of Mississippi? A Yes in the Chickasaw nation.
- Q How long lived in the Chickasaw or the Cherokee nation all your
life? A Lived in the Chickasaw nation. I came from the old
nation and never—ever lived with the Chickasaws—I came to—
I came across the river.
- Q Well, did you ever live in the Cherokee nation? A I lived a
while in the Cherokee nation.
- Q Did you ever have a son by the name of George Brown who lived
in the Cherokee nation? A Yes I lived there I named him—
George Brown, I came him all the time, the time I was there in
the Cherokee nation I came him, I named him.

- Q Are you acquainted with this family? A Oh, yes sir.
 Q Are you acquainted with the applicant here—William E. Brown?
 A I was not acquainted with him you know because he was not here back there with his father.
 Q Where did his father come from? A His grandfather? Even the state of Mississippi—I call it Pontiac; used to call it then days Pontiac County.
 Q Now just state whether you have from your own personal knowledge to the best of your information that you have gained by your personal acquaintance with George Brown, whether this applicant is his son or not? A Well, from the evidence and facts that he gave me I think he is, and I know that I was at his house a great many times and he said that was his grandfather.

Thirty days time is allowed this applicant, William E. Brown, on the statement of his attorney that he desires to take the depositions of witnesses in this case.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the first day of May, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10th day of June, 1908.

Charles H. Sawyer
Notary Public.

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

In the matter of the application of William H. Brown, et al., for Registration as Prospecting Locators, D. T. L. 1943.

LIST OF EXHIBITS SUBMITTED TO THE COMMISSIONER OF LAND MANAGEMENT
 AND PLACED ON FILE IN THE CASE OF WILLIAM H. BROWN, ET AL.

	Page
Original application of W. H. Brown, et al., for registration as locators of the Bureau of Land Management	1
Records of the Commission relating said application	2
Recent registered letter design	3
Notice of Commission to William H. Brown to submit evidence showing that he and the others are entitled to be identified as Prospecting Locators	4
Recent registered letter design of William H. Brown	5
Affidavit of W. H. Brown	6
Affidavit of William H. Brown	7
Affidavit of E. V. Rogers	8
Application of William H. Brown, et al., for Registration as Prospecting Locators	9
Testimony of John Brown before the Commission	10
Testimony of Eugene Smith before the Commission	11
Records of the Commission relating the application of William H. Brown, et al., for Registration as Prospecting Locators	12

21

REPORT OF THE
COMMISSIONER OF THE BUREAU OF LANDS

In the matter of the application of the
State of California, for a grant of land

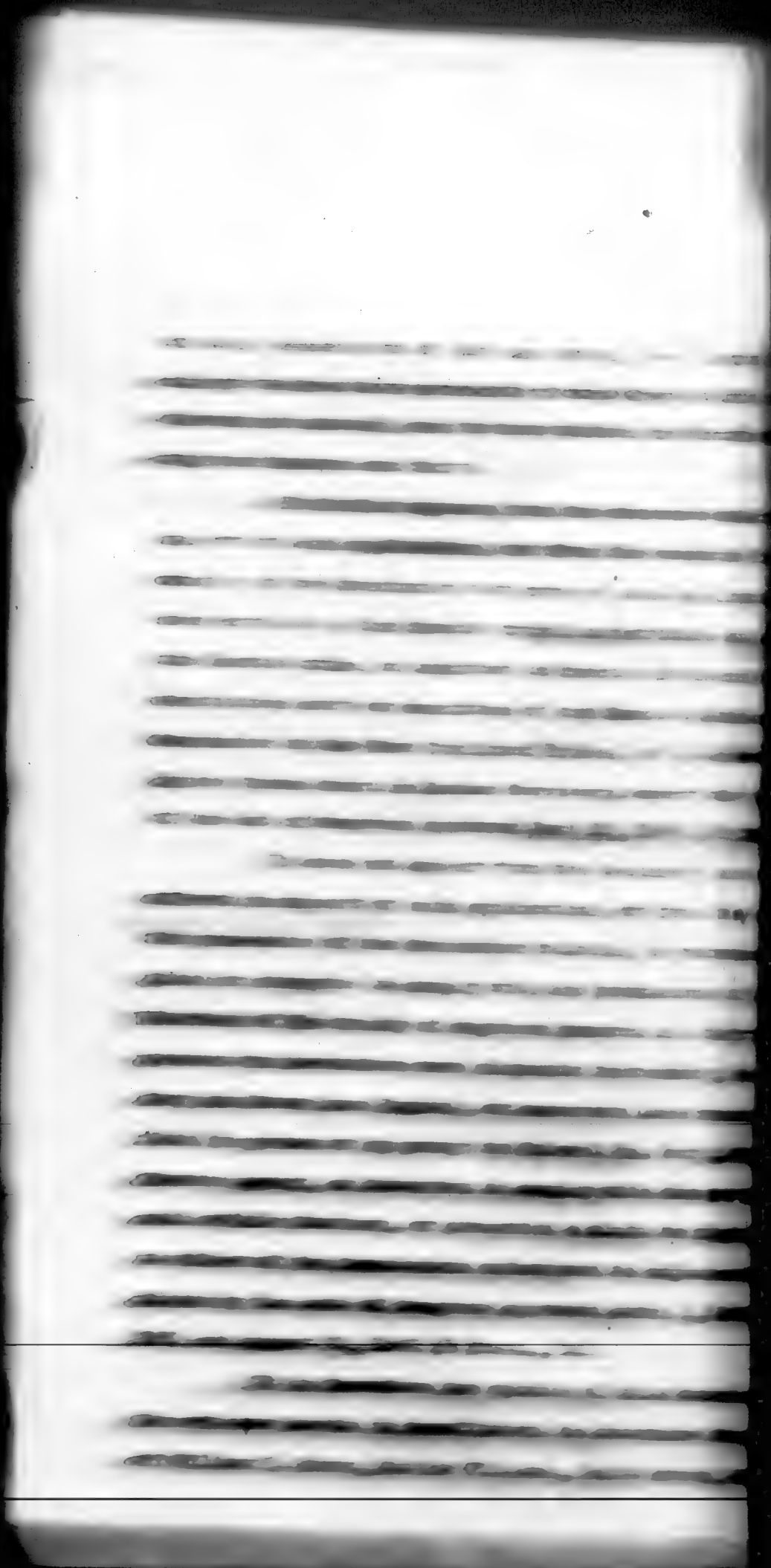
— DEEDS —

It appears from the facts and circumstances of
this case that the State of California is entitled to
a grant of land for the purpose of establishing
a public school, and that the State of California
is entitled to a grant of land for the purpose of
establishing a public school, and that the State of
California is entitled to a grant of land for the
purpose of establishing a public school.

The State of California is entitled to a grant of
land for the purpose of establishing a public school,
and the State of California is entitled to a grant of
land for the purpose of establishing a public school,
and the State of California is entitled to a grant of
land for the purpose of establishing a public school,
and the State of California is entitled to a grant of
land for the purpose of establishing a public school.

It is the policy of the United States to
encourage the settlement of the public lands,
and the State of California is entitled to a grant of
land for the purpose of establishing a public school,
and the State of California is entitled to a grant of
land for the purpose of establishing a public school.

The State of California is entitled to a grant of
land for the purpose of establishing a public school,
and the State of California is entitled to a grant of
land for the purpose of establishing a public school.



THE UNITED STATES OF AMERICA
DO hereby certify that
[Name] is a member of the
[Organization] and is entitled to
the benefits thereof.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

Muskogee, Ind. Ter., August 28, 1900.

W. F. Brown,

Jesse, Ind. Ter.,

Dear Sir:

There is enclosed you herewith the decision of the Commission refusing the application made by you for yourself and on behalf of your children, Mattie, Doda, Henry and Elton Brown, for enrollment as citizens by blood of the Choctaw Nation, before the Commission, at Atoka, Indian Territory, June 6th, 1900.

In the event that you desire to have your case presented to the Secretary of the Interior for his consideration, you will so inform the Commission in writing, and the record in the case will be forwarded to the Honorable Secretary of the Interior when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

Yours truly,

Acting Chairman.

Enc. 1.

Registered mail.

W-F, SOL.

Muskogee, Indian Territory, May 22, 1902.

William K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant enclosing the affidavits of yourself and B. V. Hampton in the matter of the application for the enrollment of yourself and your four minor children as citizens of the Choctaw Nation, and the same have this day been filed with the other records in this case.

You are now advised that if it is your intention to personally appear before this Commission and apply for the identification of yourself and your minor children as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, that such application should be made within fifteen days from the date hereof.

If at the expiration of that time no application is made by you in person for the identification of yourself and your minor children as Mississippi Choctaws, the Commission will then pass upon your rights to enrollment as citizens of the Choctaw Nation upon the record now made.

U R R R

, You will be furnished with a copy of such decision and also advised of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

Miss. Chootaw R5733

Muskogee, Indian Territory, June 20, 1902.

A. O. Rhoades,

Center, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16, asking if W. K. Brown and family are on the Chootaw or Chickasaw rolls.

In reply to your letter you are advised that it appears from our records that William K. Brown, of Ada, Indian Territory, forty eight years of age, applied to the Commission, at Muskogee, Indian Territory, for the identification of himself and his minor children, Mattie Williams, Dedie Brown, Henry Brown and Tom L. Brown, as Mississippi Chootaws. No decision has yet been reached nor opinion rendered relative to their rights as such Mississippi Chootaws. If this is not the W. K. Brown concerning whom you inquire, and you will give his full name, the names of his children, his age and post office address at the time he made application to the Commission, the matter will receive further consideration.

Yours truly,

Muskogee, Indian Territory, August 2, 1902.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th inst., to the Secretary of the Interior which is referred to this Commission for consideration and appropriate action.

You state "It has been two months since I was at Muskogee, Indian Territory, before the Commission and they promised to let me know in about thirty or forty days. Haven't heard anything from them."

You are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, which application was made before the Commission at Muskogee, Indian Territory, May 31, 1902.

The Commission is now considering the right of yourself and minor children to identification as Mississippi Choctaws and a decision will be rendered in the near future. You will be duly notified of such decision and of the forwarding of the record to the

W I D _____ 2

Secretary of the Interior for review.

Yours truly,

Acting Chairman.

M. C. R. 5733

Muskogee, Indian Territory, December 16, 1902.

William K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you ask to be advised of the present status of your case.

In reply, you are informed that it appears from the records of this Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in your case. The Commission is now considering your application, and it is probable that a decision will be rendered in the near future. You will be notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, December 23, 1902.

J.C. Lowery,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William K. Brown, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William K. Brown, Mattie Williams, Dodie Brown, Henry Brown and Tom L. Brown as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

UNRECORDED

Tamc Dixby.
Acting Chairman.

Registered.

CO.

Muskogee, Indian Territory, December 23, 1902.

William K. Brown,
Ada, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William K. Brown, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William K. Brown, Mattie Williams, Dodie Brown, Henry Brown and Tom L. Brown as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in

-2-

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 23, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William K. Brown, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William K. Brown, Mattie Williams, Dedie Brown, Henry Brown and Tom L. Brown as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixie.

Acting Chairman.

Acting Chairman.

Muskogee, Indian Territory, January 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William K. Brown, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 23, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

No. M.E.R. 5733.

D.C.13351

I.T.D. 3570-1903.
LRS

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON,

FHE
May 4, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 8, 1903, you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of William K. Brown (MCR 5733), for himself, his ^{married} minor daughter, Mattie Williams, and his three other minor children, Dodie, Henry, and Tom L. Brown, including your decision of December 23, 1902, denying their applications.

The applicants claim rights in the Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Mary Ann Brown (nee Hughes), who is alleged to have been possessed of some Choctaw blood, (degree thereof not stated), and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 31, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

-2-

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

1 inclosure.

Acting Secretary.

COPY

Land
2184--1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

March 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of William K. Brown, for the identification of himself, his ^{married} minor daughter, Mattie Williams, and his three other minor children, Dodie, Henry and Tom L. Brown, all as Mississippi Choctaws.

On December 23, 1902 the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the Choctaw Nation, under the provisions of article 14 of the treaty of 1830, and that their application for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have derived their Choctaw blood from one Mary Ann Brown or Hughes, and also one George Brown, but neither the record evidence nor an examination of the office records shows that any person by the name of Mary Ann Brown, Mary Ann Hughes, or George Brown, ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or received a patent for land thereunder.

-2-

By reason of the premises the office considers that said decision of the commission is correct, and recommends that it be approved by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B. (B.)

COPY.

M.C.R. 5733

Muskogee, Indian Territory, May 19, 1903.

William K. Brown,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William K. Brown, et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY

M.C.R. 5733

Muskogee, Indian Territory, May 19, 1903.

J. C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William K. Brown, et al., of which decision you were advised by registered mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

COPY.

M.C.R. 5733

Muskogee, Indian Territory, May 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William K. Brown, et al., of which decision you were advised by mail on the 23rd day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Muskogee, Indian Territory, April 11, 1903.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised "if it is necessary for me to appear before the land office and file on my lands and family."

In reply you are informed that the Commission, on December 23, 1902, rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and on the same date you were notified of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to file arguments in support of your claim.

The fifteen days from December 23, 1902, heretofore granted in this case, expired on January 7, 1903. On January 8, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Relative to your filing on lands in the Choctaw-Chickasaw country, you are advised that it is not believed that yourself and

W K B 2

children are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 14, 1903.

Tom D. McKeown,
Attorney at Law,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask "Will you kindly inform me whether the name of W. K. Brown appears upon the rolls of the Chickasaw or Choctaw Nations or whether he is enrolled as a Mississippi Choctaw?"

In reply you are informed that the Commission, on December 23, 1902, rendered its decision refusing the application made by W. K. Brown for the identification of himself and minor children as Mississippi Choctaws, and on the same date he was notified of the action of the Commission and that he would be allowed fifteen days from the date of said decision within which to file arguments in support of his claim.

The fifteen days from December 23, 1902, heretofore granted in this case, expired on January 7, 1903. On January 8, 1903, the record in this case, together with the decision of the Commission refusing said application, was forwarded to the Secretary of the Interior. The applicant will be duly notified of such action as may be taken by the Secretary.
Respectfully,

Commissioner in Charge.

C O P Y

Tishomingo, Indian Territory, August 28, 1903

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

In reply to yours of the 21st inst., requesting to have land reserved for you, you are advised that your name can not be identified upon the records in possession of the Commission.

You are requested to furnish us with more information in regard to yourself, by what name you were enrolled and also whether Choctaw or Chickasaw and names of other members of your family.

Respectfully,

ECM 13

Commissioner in Charge.

Muskogee, Indian Territory, September 22, 1903.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, by reference from the Chickasaw Land Office, giving the names of your family and asking that certain land be reserved for you.

In reply you are informed that on May 4, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on May 19, 1903.

The Commission now considers your case closed and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M.C.R. 5733

Muskogee, Indian Territory, October 7, 1903.

W. H. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 1st, in which you state that you are a Mississippi Choctaw and wish to have your case attended to at once.

In reply to your letter, you are informed it appears from our records that on December 23, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on the same date you were notified of said decision. On January 8, 1903, the record in this case was forwarded to the Department and on May 4, 1903, the decision of the Commission was affirmed by the Secretary of the Interior, of which Departmental action you were duly notified on May 19, 1903.

The Commission, therefore, considers this case closed.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 19, 1903.

Duke Stone,
Attorney at Law,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, referring to the matter of the enrollment of W. K. Brown as a citizen of the Choctaw Nation. Therein you state that he at one time made application for enrollment but was refused, and has since discovered that he made a mistake in applying as a Mississippi Choctaw when he was born in the Indian Territory; that he wishes to renew his application for enrollment, and in conclusion you desire to be informed as to the necessary steps to take to renew his application.

Replying to your letter you are advised that on December 23, 1902, the Commission rendered a decision refusing the application of William K. Brown for the identification of himself, his daughter Mattie Williams, and his three minor children, Dodie, Henry, and Tom L. Brown, as Mississippi Choctaws. In rendering this decision the Commission passed upon all the possible rights that these applicants might have as citizens by blood of the Choctaw Nation.

In the disposition of said application an examination was

D S 3

is on petition directed to the Secretary of the Interior.

Respectfully,

Chairman.

made of all the tribal records of the Choctaw Nation in the possession of the Commission and it does not appear from the evidence submitted by the applicants and from the records of the Commission that any of the applicants have ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

The rights of the applicants to citizenship in the Choctaw Nation having been disposed of in the decision refusing their application for identification as Mississippi Choctaws, of December 23, 1902, the Commission does not see that anything could be gained by now reopening this case for the purpose of showing that these persons may have some possible right as citizens by blood of the Choctaw Nation.

Inasmuch as the rights of these applicants have heretofore been disposed of by the Commission and the action of the Commission affirmed by the Secretary of the Interior, it is not considered that the Commission has any further jurisdiction over this matter, and the only manner in which the same can be reviewed

Muskogee, Indian Territory, December 15, 1903.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 23, 1903, by reference from the Chickasaw Land Office. Therein you ask to be helped in regard to your application for identification as a Mississippi Choctaw. You state that you have lived in the Choctaw and Chickasaw Nations nearly all of your life, and that you and your four children are Indians by blood.

In reply you are informed that it appears from our records that on December 23, 1902, the Commission rendered a decision refusing the application made by you for the identification of yourself, your daughter Mattie Williams, and your three minor children, ~~D~~ddie, Henry, and Tom L. Brown, as Mississippi Choctaws. In rendering this decision the Commission passed upon all the possible rights that you and your children might have as citizens by blood of the Choctaw Nation.

In the disposition of this application an examination was made of all the tribal records of the Choctaw Nation in the possession of the Commission and it does not appear from the evidence submitted by you and from the records of the Commission that you

W K B 2

or any of your children have ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

The rights of yourself and children to citizenship in the Choctaw Nation having been disposed of in the decision refusing the application made by you for the identification of yourself and children as Mississippi Choctaws, which decision was affirmed by the Secretary of the Interior on May 4, 1903, it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 6, 1904.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 28, 1903, by reference from the Chickasaw Land Office. Therein you state that you have been living for two years on certain land that you bought from Jim Perry; that he had the place "put in under him about ten years ago"; that you bought the lease on it from Mr. Dalley and sold it to Mr. Cragers in the summer; that you are now having trouble with some lawyers at Ada who got a woman to file on the place, and ask that the Commission give you some help.

In reply you are informed that the leasing of lands in the Choctaw-Chickasaw country is a matter which does not come within the jurisdiction of this Commission.

You are further advised that on May 4, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on May 19, 1903.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled

V X B 2

to possessory rights of the tribal property of the Choctaw and
Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 5733

Muskogee, Indian Territory, February 2, 1904.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, and the information contained therein has enabled us to identify you upon our records as William K. Brown, who on May 31, 1902, made application to this Commission for the identification of himself and children as Mississippi Choctaws.

In reply you are advised that the Commission can render you no further information than that contained in its letter to you under date of December 15, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 28, 1904.

W. L. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, 1904, by reference from the Secretary of the Interior. You state that you have furnished all the witnesses required, but that you have not received any notice of your approval.

In reply to your letter you are informed that it appears from our records that on May 4, 1903, the Secretary of the Interior approved the decision of this Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on May 19, 1903.

The Commission has at different times since then advised you that you had failed to establish your rights to lands in the Choctaw-Chickasaw country, Indian Territory, and that the Commission considered your case closed. We are now unable to give you any further information other than that it is not believed that you and your children are in any manner entitled to possess-

W. K. B., 2.

every rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M C R 5733

Muskogee, Indian Territory, September 27, 1904.

William K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, by reference from the United States Indian Agent, Union Agency. Therein you state that certain parties are endeavoring to beat you out of your land by rascality.

In reply to your letter you are informed that it appears from our records that on May 4, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children, as Mississippi Choctaws, of which departmental action you were duly notified on May 9, 1903.

The Commission now considers your case closed and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

JD

Chairman.

Muskogee, Indian Territory, January 24, 1905.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask what has been done with your case.

In reply to your letter you are informed that it appears from our records that on May 4, 1903, the Secretary of the Interior approved the Commission's decision of December 23, 1902, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on May 9, 1903.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

MCR 5733.

Muskogee, Indian Territory, July 12, 1906.

Wm. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the first instant, relative to your rights as a citizen of the Choctaw Nation.

In reply to your letter it appears that on December 23, 1902 the Commission to the Five Civilized Tribes rendered a decision adverse to the applicants in the Mississippi Choctaw case of William K. Brown, et al., and that this decision was affirmed by the Secretary of the Interior May 4, 1903.

At the present time no motions for rehearing can be filed in Mississippi Choctaw cases. Therefore it appears that no further steps can be taken in this case, and the same is considered closed.

Respectfully,

Commissioner.

MOK-5733

Muskogee, Indian Territory, October 15, 1905.

R. P. Ford,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, 1906, in which you request to be advised if the names of W. K. Brown and James Evans appear upon the approved roll of the Choctaw Nation.

In reply to your letter you are advised that this office is unable to locate the name of James Evans upon its records as an applicant for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw. The records do show, however, that one William K. Brown, of Ada, Indian Territory, is a rejected claimant for identification as a Mississippi Choctaw, his application having been refused both by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

Respectfully,

Commissioner.

MCR-5738

Muskogee, Indian Territory, November 2, 1906.

William K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th instant, in which you request to be advised as to the progress of your application for enrollment.

In reply to your letter you are informed that on May 4, 1903, the Secretary of the Interior affirmed the adverse decision of the Commission to the Five Civilized Tribes of December 23, 1902, refusing to identify you and your family as Mississippi Choctaws.

It does not appear from the records of this office that there is any motion for review or reconsideration of your case now pending, and as the time within which such motions could be received expired June 25, 1906, the action of the Department, above referred to, is considered final.

Respectfully,

Commissioner.

M C R 5733

Muskogee, Indian Territory, December 5, 1906.

Wm. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 12th, by reference from the Secretary of the Interior. Therein you request to be advised why you have not yet been enrolled as a citizen by blood of the Choctaw Nation.

You are advised that it does not appear that you have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory. Any rights that you might have had as a citizen by blood of the Choctaw Nation were passed upon in the decision of the Commission to the Five Civilized Tribes of December 23, 1902, refusing the application made by you for the identification of yourself and children as Mississippi Choctaws.

You were also notified in a communication from this office, November 2, 1906, that it did not appear that there was any motion for review or reconsideration of your case now pending, and as the time within which such motions could be received expired

Wm. K. B. 2

June 25, 1906, the action of the Secretary of the Interior of May 4, 1903, refusing your claim is considered final.

Respectfully,

Acting Commissioner.

M C R 5733

Muskogee, Indian Territory, May 13, 1907.

J. O. Pool,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir: /

Replying to your letter of the 8th instant, you are informed the records of this office show that William K. Brown and his children, Mattie Williams, Dodie (Dora) Brown, Henry Brown and Tom L. Brown were denied identification as Mississippi Choctaws by the Commission to the Five Civilized Tribes ~~June 22, 1903~~. On the same date notice of such action was furnished the principal applicant by registered mail at Ada, Indian Territory, the registry return receipt being signed W. K. Brown, January 6, 1903.

The action of the Commission in this case, adverse to the applicants, was approved by the Secretary of the Interior May 4, 1903. Notice of such Departmental action was also furnished the principal applicant May 19, 1903.

It does not appear from an examination of the records of this office that selection of allotment has ever been made in the name of any of the applicants in the Mississippi Choctaw case of William K. Brown, et al.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, June 18, 1907.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 24th, by reference from the Commissioner of Indian Affairs, Washington, D. C. Therein you request to be advised as to your rights to citizenship in the Choctaw-Chickasaw country.

In reply you are advised that the records of this office show that you have on several occasions been informed of the refusal of your claim to citizenship by this office and the Secretary of the Interior, and as the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, no further consideration can now be given your application.

Respectfully,

Commissioner.

MEMORANDA.

Mm

(Date)

1899

47

Name *71 10 11*

Choctaw? *ye* County Year No.

Chickasaw? County Year Page

Citizen by blood? *1* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

15	<i>Matta Brinn</i>	County	Year	Page	No.
12	<i>Doda</i>	County	Year	Page	No.
10	<i>Hurry</i>	County	Year	Page	No.
7	<i>Eltora</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

Refused

CASE NO. 501--Chee. R.,

The name of applicant is given
in the testimony as "William "K.
brown. In the judgment as "W." K.
Brown).

R. C. G. Oct. 13, 1900.

No. 5733

For Identification as a Mississippi Choctaw.

Date MAY 31 1902

Name William K. Brown.

Age 48 — Blood 1/4 —

Post-Office, Ada, I. T.

Father: George W. Brown, d.

Mother: Louisa " d.

Claims through father —
side.

Mollie Brown, w. l.

No claim for wife —

Children:

Mattie Williams	
(married John ")	16
Roddie Brown	15
Henry "	13
Tom L. "	10

Claims for self &
children
Ser R 501.

Stenographer H. L. Harris.

Choctaw MCR 5734

Rebecca Fitzer

See MCR 5735

MCR 5734

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 22, 1902.

2734

In the matter of the application of Rebecca Pitner for identification as a Mississippi Choctaw.

J.G. Ralls, attorney for applicant:

Rebecca Pitner being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rebecca Pitner.
Q What is your age? A Twenty years old.
Q What is your post office address? A Padde.
Q How long have you lived at Padde? A About three years.
Q Where did you live before that? A In the Chickasaw Nation one year and then lived in Texas.
Q Where were you born? A In Pike County, Arkansas.
Q From there you went where? A Texas.
Q And from Texas where? A To the Chickasaw Nation.
Q And have lived in the Territory since, have you? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A Lewis J. Draper.
Q Did he make application to be identified as a Mississippi Choctaw? On May 14, 1902? A Yes sir.

His number is H.C.N. 2562 and is here referred to for the purpose of identification.

- Q What was your mother's name? A Was Sarah A. Draper.
Q You claim through your father do you? A Yes sir.
Q How much Choctaw blood do you claim? A A sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Your name is not on the list? A No sir.

- Q But you do know that he made application to be identified as a Mississippi Choctaw May 14, 1902, don't you? A Yes sir.
- Q Then if he made application at that time you know positively that he has not been enrolled as a Choctaw Indian? A Yes sir.
- Q Do you know when and where your father and mother were married? A No sir, I don't.
- Q Know whether they were married by a minister and under a license? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Frank Fitzer.
- Q Is he living and a white man? A Yes sir.
- Q Make any claim for him? A No sir.
- Q Have you any children you want to make application for? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know; no, sir, I don't reckon it.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been before this Commission or before the Choctaw tribal authorities before this application? A No sir.
- Q This is your first application then? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now want to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I don't know.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September, 1830. The object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw nation from that Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Choctaw Indians article fourteen was drafted and put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent, if they reside

upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A Yes sir.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; the name of the ancestor who lived in Mississippi, if you can, or in the old Choctaw Nation in 1830? Do you claim under your grandfather or grandmother or great grandmother or great grandfather or whom? A I claim through my father.

Q Well, can't you go farther back? Your father was not living in Mississippi in 1830, was he? A)))No answer.)))--

Q Whom does your father claim through? A I don't know.

Q You don't know whom you claim through then? A No sir.

Q You don't know anything about your ancestry farther back than your father? A No sir.

Q What was your father's name? A Lewis J. Draper.

Q How old is your father? A He is forty eight I think.

Q He claims through whom his father or mother? A I don't know.

Q Your father, when he made application before the Commission, June at Muskogee, Indian Territory, May 14, 1902, said that he claimed through his grandmother, B-o-p, do you know anything about that person? A No sir.

Q Jones or Bop? A No sir.

Q You cannot give the name of any Choctaw ancestor of yours farther back than your father? A No sir.

Q Do you know of any Choctaw ancestor of yours who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was head of a family there then? A No sir.

Q By head of a family I mean had a family of children living there at that time; you cannot give any names at all beyond your father? A No sir.

Q You are quite sure you claim through your father? A Yes sir.

Q In this application made by you then, do you wish to refer to the testimony given by your father in his application, M.C.R. 5562? A Yes sir.

Q You never heard any ancestor's name, grandfather, grandmother, --- great grandfathers---? A No sir.

Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 and received or claimed any land under article fourteen of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of them go from the old Choctaw nation to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

The Choctaw Indians who remained after the treaty of 1830 was ratified refusing to go to the Indian Territory with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Col. Ward the Indian agent neglected to put upon his list known as Ward's register. Failure to do so caused many Indians who had land in the old Choctaw nation upon which they had improvements to lose both; the Government took them and sold them off at Public Land Sale; this caused so many complaints that in March 3, 1837, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty. In 1842 another Commission was appointed for the same purpose, and these two Commissions heard claimants under article fourteen and made lists of their names.

Q Did you ever hear that any of your ancestors Choctaw went before either of these two Commissions and claimed benefits under article fourteen of this treaty? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their claims under article fourteen and also proved that they had had land taken from them by the Government in the old Choctaw nation. Have you any evidence you want to introduce now in support of your claim? (Attorney Ralls says he wants to use her father as a witness.)

Q You have no documents-- any papers of any kind? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Any questions, Judge? A No sir; they tell me there are some witnesses whose depositions they wanted to take, and not understanding the rules of the Commission they took affidavits; under the rules it takes about 17 days to get a deposition providing everything goes well.

Q You want time in order to take depositions in this case? A We could in 25 days.

25 days is allowed on motion of counsel for these applicants for her to present the depositions of witnesses in support of this ap-

plication.)

This applicant has the appearance and physical characteristics of being descended from white parentage; has medium light complexion, blue eyes and brown hair; does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Applicant excused and Lewis J. Draper, her father, called as a witness:

- Q Your name is what? A Lewis J. Draper.
Q You have made application here? A Yes sir.
Q Are you the father of Rebecca Fitzer? A Yes sir.
Q How old are you? A I am forty eight years old.
Q What is your post office address? A Caddo, Indian Territory.
Q What is your occupation? A Farmer.
Q Do you want to testify now in reference to this application made by your daughter, Rebecca Fitzer? A Yes sir.

Examination by J.G. Ralls:

- Q Where does your daughter live? A On a farm near Caddo.
Q Choctaw Nation? A Yes sir.
Q How long has she lived in the Choctaw Nation? A Three years.
Q What is the name of your father and mother? A My father's name was Andrew J. Draper and my mother Ellen S. Draper—Petty before she married.
Q You get your Indian blood through your father or mother? A Father.
Q Through which parent did he get his Choctaw blood? A His mother.
Q What was her name before she married? A Annes Jones.
Q Did she have Choctaw blood in her? If so, how much? A Yes sir, a half.
Q What was the name of her father or mother? A Johnny Jones her father was named. Her mother's name was Rebecca Bop before she married.
Q Was Johnny Jones or Rebecca Bop either one of Choctaw blood, and if so how much? A She was full blood always been my understanding.
Q Where were you born? A Mississippi.
Q Where was your daughter born? A In Arkansas.
Q Where did your father and mother live? A In Mississippi.
Q Where did your grandparents live? A In Mississippi.
Q And your great grandparents? A Came from Alabama to Mississippi with the Choctaws.

Q Did they live among the Choctaws there in the old Choctaw nation?
in Mississippi? A Yes sir.

Q That's all.

Witness excused.)

Henry S. Hains being sworn on his oath states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
the proceedings had in the above entitled cause on May 31, 1902,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes in said cause on said date.

Henry S. Hains

Subscribed and sworn to before me this 10th day of July, 1902.

Thos. B. Hopkins
Notary Public.

COPY

Muskogee, Indian Territory, January 7, 1903.

Rebecca Fitzer,

Oado, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5563
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6098
Amanda L. Meeks, et al.	M.C.R. 6133
Sarah P. Young, et al.	M.C.R. 6140
Fannie Whitley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada Hedlunge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martina Poteet, et al.	M.C.R. 6208
Willis M. Meeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph G. Jones, et al.	M.C.R. 6141
Mary Ann Pant, et al.	M.C.R. 6201
Francis Morgan, et al.	M.C.R. 6202
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alta Meeks, et al.	M.C.R. 6213
Rebecca Meeks	M.C.R. 6221
George H. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6136
James Edward Jones	M.C.R. 6135
Henry M. Jones	M.C.R. 6194

Rebecca Fitser,--8

These applications were made under the provision of the act of Congress of June 28, 1898 (50 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks,, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitser, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee B. Draper, James P. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jessie J. Draper, James E. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louise M. Young, Orie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Potest, Maudie E. Potest, Elsie D. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willie M. Meeks, Clifford Meeks, Warner L. Meeks, Opacie May Meeks, Victoria Blevins, Ira Blevins, Auna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Cattie Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Scridly Fant, Luella Fant, Alvie Fant, Willie Fant, Charlie Fant, Ora W. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otha V. Pate, Vesta E. Pate, Alex Meeks

Rebecca Fitzer,—3

Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie D. Jones

Acting Chairman.

Registered.

M.C.R. 5734

COPY.

Muskogee, Indian Territory, November 30, 1904.

Rebecca Fitzer,

Okadde, Indian Territory,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of November, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

MAY 31 1902

Name *Rebecca Fitzgerald*Age *20*Blood *1/16*Post-Office, *Caddo. I. T.* —Father: *Lewis J. Kraper, l.*Mother: *Sarah A. .. — d.*

Claims through

*father —**husband**Frank Fitzgerald, l. w.**No claim for**husband*

Children: .

claim for self
*alone —**Photographer H. B. H. ...*

Choctaw MCR 5735

Mary A. Sparks

See MCR 5736, 5562, 5734
5563, 6088, 6139, 6140, 6207
6232, 6233, 6198, 6208, 6206
6199, 6097, 6141, 6201, 6209
6210, 6200, 6212, 6211, 6137, 6138
6193, 6194

MCR 5735

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 31, 1902.

5738

In the matter of the application of Mary A. Sparks for the identification of herself and her four minor children, James William, Fuly Annice, Osear Ollen and Clara May Sparks, as Mississippi Choctaws.

Applicant not represented by attorney.

Mary A. Sparks being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name in full? A Mary A. Sparks.
Q What is your age? A Fifty.
Q What is your post office address? A Sadde, I.T.
Q How long have you lived there? A About seven years.
Q Where were you born? A In Pontotoc County Mississippi.
Q How long did you live there? A Till I was about six years old.
Q Then you went where? A Arkansas.
Q Where in Arkansas did you live? A Pike County, Arkansas.
Q How long did you live in Arkansas? A Well, I don't hardly remember; I was raised there till I was married.
Q When you went where-- from Arkansas? A To Texas.
Q How long were you in Texas? A Two years.
Q Then you went where? A To the Nation.
Q How long have you lived in the Nation now? A Seven years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Andrew Jackson Draper.
Q What was your mother's name? A Ellen C. Draper.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim one eighth.
Q Has your father been recognized in any way as enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory?
A No sir, not that I know of.

Q When and where were your father and mother married? A In Pontotoc County, Mississippi.

Q Remember the day of the month and year? A No sir, I don't remember the time.

Q Were they married by a minister under a license? A I can't tell you; I reckon so. Its on the Bible.

Q You haven't the proof with you then? A I think it is here somewhere; my brother sent it.

Q What is your brother's name? A Lewis J. Draper.

Q He made application before the Commission to be identified as a Mississippi Choctaw, May 14, 1902? A Yes sir.

Q You think the proof of the marriage of Andrew J. and Ellen Draper is there? A Yes sir.

Q You want to refer to his case, 5562, and have it made part of this? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A C.W. Sparks.

Q Is he living and a white man? A Yes sir.

Q Do you make any claim for him? A No sir.

Q Have you any children you want to make application for under age and unmarried? A Yes; four.

Q Give me the name of the oldest. A James William Sparks.

Q How old is James William? A I can't remember their ages; I have got them set down. Here is a paper.

Q Do you read? A Yes sir.

Q Then you read off these dates. A I can't see with these specs.

Q This memorandum states that James William Sparks was born September 17, 1884; is that right? A Yes sir.

Q His age then is eighteen is it? A Yes sir.

Q What is the name of your next child? A July Annice Sparks.

Q This memorandum states that she was born March 12, 1896; she would be sixteen then would she? A Yes sir.

Q What is the name of your next child? A Oscar Ollen.

Q This memorandum states that she was born March 28, 1889; is that right? A Yes sir.

Q He is thirteen isn't he? A Yes sir.

Q What is the name of the next child? A Clara May.

Q This memorandum says that she was born March 28, 1891; is that right? A Yes sir.

Q Then she would be how old? A Eleven years old.

Q Now you have an older child? A Yes, she's here; she's married.

Q These are all the minor children you have? A Yes sir.

Q You claim for yourself and these minor children? A Yes sir.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Is C.W. Sparks the father of these children? A Yes sir.

Q And are you and your husband living together and the children with you? A Yes sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application that you have ever made for you self and these children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you understand article fourteen of the treaty of 1830? A No sir, I don't.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830: the principal object of the treaty was to get the consent of the Choctaw Indians to remove from the old nation East of the Mississippi River to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw nation under the treaty and in order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw nation article fourteen was drafted and put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well, its my grandmother.

Q Well, what was your grandmother's name? A Annice Jones.

A A-n-n-i-c-e? A Yes sir.

Q What relation is Lewis J. Draper? A My brother.

Q Do you want to have your case taken in connection with his case so that you may get the benefit of what he has testified to? A Yes sir.

The case of Lewis J. Draper, M.C.R. 5562 is here referred to; also the case of Rebecca Fitzer, M.C.R. 5734

Q Did Annice Jones live in the old Choctaw nation in Mississippi or Alabama in 1830? A Yes sir.

Q Did she have a family of children there at that time? A Well, I suppose she did.

Q Do you know? A No I don't.

- Q Where did she live, in Mississippi or Alabama? A In Mississippi.
- Q How much Choctaw blood did she have, Annice Jones? A She was a half breed.
- Q Was her name B-o-p? A My great grandmother was Bop.
- Q Was she the mother of Annice Jones? A Yes sir.
- Q Your great grandmother married Jones, then? A Yes sir.
- Q Did she live in Mississippi or Alabama in 1830? A Yes in Mississippi.
- Q Now which one was it-- your great grandmother Bop who married a Jones or was it her daughter Annice Jones who lived in Mississippi and was head of a family there then? A It was my grandmother.
- Q Annice Jones? A Yes sir.
- Q Do you know when and where she died? A In Pontotoc County, Mississippi.
- Q Know when? A No sir.
- Q How old would she be if living now? A I can't tell you; she would be mighty old lady.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become a citizen of the States? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward neglected to put upon his list known as Ward's register; his failure to do this caused a good many Indians who held land in the old Choctaw Nation to lose both their land and improvements; it was taken from them and sold by the Government at its Public Land Sale. So many complaints were made that in 1837 March 3, that year, a Commission was appointed which went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act approved August 23, that year; these two Commissions heard claimants under article fourteen and made lists of their names.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the

Government which entitled them to select land in Mississippi, Alabama Louisiana or Arkansas? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842 and was given to Indians who claimed and proved their rights under article fourteen and also proved that their land had been taken from them by the Government and sold. Your brother Lewis J. Draper has been before the Commission? A Yes sir.

Q What relation is Rebecca Fitzer to you? A My niece.

Q She has been before the Commission? A Yes sir.

Q Have any other relatives of yours? A Andrew J. Draper; he is own brother of mine.

Q Do you want to have all these cases considered with yours? A Yes sir.

Q Do you understand or speak the Choctaw language? A No sir.

Q Is there anything more you want to say now in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, brown hair; she does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 10 day of July, 1902.

Philip R. Hopkins

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 27, 1902.

This witness, Allen Meeks, will testify in behalf of the applications consolidated with the case of Mary A. Sparks, M. C. R. 5735.

Allen Meeks, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your full name? A Allen Meeks.
Q What is your age? A Seventy-four.
Q What is your post office address? A New Hope, Arkansas.
Q Are you a white man? A Yes, sir.
Q How long have you lived in Arkansas? A I come there in 1833.
Q Where did you live before you lived in Arkansas? A In Alabama.
Q Were you born there? A Yes, sir.
Q Did you ever live in Mississippi? A Yes, I was raised in Mississippi. I went from Alabama to Mississippi, Choctaw Nation.
Q How long did you live in the Choctaw country in Mississippi? A I was 28 when I went to Arkansas from Mississippi. I was born in 1828 and went to Mississippi in 1833, and since then I have lived in the Choctaw country, Mississippi. I went to Mississippi from Alabama.
Q Did you marry a woman who had Choctaw blood? A Yes, sir.
Q What was her name? A Nancy E. Jones.
Q How long has she been dead? A About two years. A team run away with her and killed her.
Q How old was she when she died? A Sixty.
Q She would be about 61 or 62 if living now? A Yes, sir.
Q Was she born in Mississippi? A Yes, sir.
Q Do you know where in Mississippi? A In Pontotoc County.
Q Did she speak the Choctaw language? A No, sir.
Q What kind of a looking woman was she? A Very dark, had black hair and it did not turn gray until she died.
Q She claimed through her father or mother? A Her father.
Q Her father's name was what? A Willis Jones.
Q Did Willis Jones live in Mississippi and was he born there? A I expect he was born in Alabama, in Jones Valley.
Q Now did Willis Jones live in Mississippi or Alabama in 1830? A I could not tell. I did not know him until 1845.
Q Then you do not know whether he lived in either Mississippi or Alabama in 1830? A No, sir.
Q Do you know whether he had a farm in Mississippi? A He owned land but I think he bought it.
Q Do you know what became of that land? A He sold it.
Q You think he bought this land? A I think he did.

- Q Now what I want to know is if Rebecca Box, who married Jones, lived either in Alabama or Mississippi in 1830? A I do not know.
- Q You do not know whether she lived in Mississippi in 1830? A I can tell the circumstance of the old Jones farm in 1845. It was an old vacated place when we come there. We used to get apples there.
- Q Do you know whether Rebecca Box, who married Jones, or her son, Willis, who lived in Mississippi, complied or attempted to comply with the provisions of the fourteenth article of ~~1830~~ the treaty of 1830? A I do not know.
- Q Have you testified to all you know with reference to the Choctaw blood of any of these people who are related to Mary A. Sparks, claiming through Rebecca Box? Have you told all you know? A I knew the Box family in Mississippi. They were relatives of Jones and I knew them in Arkansas.
- Q Did you know Rebecca Box? A I new her when she was married.
- Q How old were you then? A She died about the first year of the war.
- Q How old was she? A I don't know she was not able to do anything.
- Q How did she look--like a Choctaw Indian or a white woman? A I could not state that.
- Q Did she ever tell you? A No, sir.
- Q Did she talk the Choctaw language? A I don't know.
- Q Did she have a Choctaw name? A I have heard it was Jolly Jones, but do not know.
- Q You don't know whether she lived in Mississippi or Alabama in 1830? A No, sir.
- Q Do you know whether she went, within six months of the ratification of the treaty of 1830, before Colonel Ward, the Indian Agent, and tell him that she wanted to stay in the old Choctaw Nation, take land there and become a citizen of the states? A No, sir.
- Q You don't know whether she complied with any of the provisions of article fourteen of the treaty of 1830? A I do not.
- Q All these people that have been before the Commission claiming through Rebecca Box are related to you and you want your testimony consolidated with theirs in the case of Mary A. Sparks, et al., M.C.R. 5735? A Yes, sir.
- Q Is there anything more you wish to testify to? A Here is an affidavit of Captain George T. Epperson.

Affidavit of Captain George T. Epperson is presented by this witness to be filed in the consolidated case of Mary A. Sparks, et al., M. C. R. 5735, and is marked Exhibit "A" and made a part of the records in this case.

- Q In this affidavit it speaks of Willis Jones, who he, Epperson, become acquainted with in 1856, and that the said Willis Jones in 1858 ran for State Senator of Arkansas, and that Willis Jones in the presence of this affiant stated that he had Choctaw Indian blood. This affiant further states that he was acquainted with a family by the name of Box in Pike County; that they were Indians and claimed to be cousins of Willis Jones. Now is this Willis Jones the son of Rebecca Box who married Jones? A Yes, sir.
- Q And you introduce this affidavit do you to show that Willis Jones

at one time before Epperson made the statement that he had Indian blood in him? A Yes, sir. He stated that him and Jones was walking along the street and met some Indians and said "there is some of my kin."

- Q Did you know Willis Jones? A Yes, sir.
Q What kind of a looking man was he? A He favored the Indian.
Q What was his business? A He was selling goods in Mississippi part of the time.
Q Was he a man of any property? A Not much.
Q Did he ever hold a state office? A Yes, sir, he was a member of the legislature in 1861.
Q Is there anything more you can think of that you wish to say? A No, sir.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness taken on August 27th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

R. B. Eisenberg

Subscribed and sworn to before me this 15 day of September, 1902.

B. Jones,
N. P.

GA.L.
C.W.

COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary A. Sparks, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	M.C.R. 5736
Lewis J. Draper, et al.,	M.C.R. 5562
Rebecca Fitzer,	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.,	M.C.R. 6088
Amanda A. Weeks, et al.,	M.C.R. 6139
Sarah F. Young, et al.,	M.C.R. 6140
Fannie Whatley, et al.,	M.C.R. 6207
Ida Talkington,	M.C.R. 6232
Ada McClurge, et al.,	M.C.R. 6233
John A. Meeks, et al.,	M.C.R. 6193
Martha Poteet, et al.,	M.C.R. 6208
Willis M. Meeks, et al.,	M.C.R. 6206
Victoria Blevins, et al.,	M.C.R. 6199
James L. Jones, et al.,	M.C.R. 6097
Joseph C. Jones, et al.,	M.C.R. 6141
Mary Ann Fant, et al.,	M.C.R. 6201
Frances Morgan, et al.,	M.C.R. 6209
Phoebe Meeks,	M.C.R. 6210
Amanda V. Pate, et al.,	M.C.R. 6200
Alex Meeks, et al.,	M.C.R. 6212
Nevada Meeks,	M.C.R. 6211
George M. Jones,	M.C.R. 6137
John M. Jones, et al.,	M.C.R. 6136
James Edward Jones,	M.C.R. 6193
Henry M. Jones,	M.C.R. 6194

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Mary A. Sparks for herself and her four minor children, James

William, July Annice, Oscar Ollen and Clara May Sparks; by Ollie Owens for herself; by Lewis J. Draper for himself and his eight minor children, Asa W., John H., Lottie A., George Andrew, Jeddie H. Ora B., Lewis and Leroy L. Draper; by Rebecca Fitzer for herself; by Andrew Jackson Draper for himself and his seven minor children, John W., Charles E., Mary E., Lee E., James F., William E. and Calvin Hester Draper; by James L. Draper for himself and his five minor children, John H., Elmer L., Jessie J., James S., William H. and Alva Dale Draper; by Amanda A. Meeks for herself and her two minor children, Calvin and Rebecca Meeks; by Sarah F. Young for herself and her ten minor children, Allen, Louisa M., Onie, Jesse B., Rebecca J., Clayton, Gustie, Kelsey, Elmer and Viola Young; by Fannie Whatley for herself and her four minor children, Edgar A., Ivin C., Vestie and Erie Whatley; by Ida Talkington for herself; by Ada McClurge for herself and her minor child, Arthur McClurge; by John A. Meeks for himself and his minor child, Walter Meeks; by Martha Poteet for herself and her five minor children, Maudie E. Elsie D., Binnie, Erie and Ernest Poteet; by Willis M. Meeks for himself and his three minor children, Clifford, Warner L. and Gracie May Meeks; by Victoria Blevins for herself and her three minor children, Ira, Auna and Ardia Blevins; by James L. Jones for himself and his nine minor children, Annie, Willie, John A., Arizona, Douglas, Oattie, Starling, Granville and Dole Jones; by Joseph C. Jones for himself and his two minor children, Ellis and Birdie May Jones; by Mary Ann Fant for herself and her nine minor children, John Henry, Gina A., Eddie, Sorildy, Luella, Alvin, Willis, Carlis and Ora M. Fant; by

Frances Morgan for herself and her minor child, Dewey Allen Morgan; by Phoebe Meeks for herself; by Amanda V. Pate for herself and her two minor children, Otho W. and Vesta B. Pate; by Alex Meeks for himself and his three minor children, Florence, Beulah and Nellie Meeks; by Nevada Meeks for herself; by George M. Jones for himself; by John M. Jones for himself and his two minor children, Jay Houston and Annie Belle Jones; by James Edward Jones for himself; and by Henry M. Jones for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Bop (or Rebecca, or Becky Jones, nee Bop, or Box, or Boe), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

The name Bop appears on page 46 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians owning farms in Chief Wi-ta-cha-ohi's District in Mississippi at the date of the treaty of "Dancing Rabbit Creek" and had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. This record in no way relates to article

fourteen of said treaty or shows a compliance with its provisions on the part of the person therein named.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bop (or Rebecca, or Becky Jones, nee Bop, or Box, or Boc), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 160) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A.

Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Potest, Maudie E. Potest, Elsie D. Potest, Binnie Potest, Erie Potest, Ernest Potest, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dole Jones, Joseph C. Jones, Ellie Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Scildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora W. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks,

George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

James Bixby

Acting Chairman

T. B. Needles

Commissioner

C. R. Eckenrode

Commissioner

Muskogee, Indian Territory

JAN 7 1903

Muskogee, Indian Territory, July 2, 1902.

C. W. Sparks,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter dated May 26, 1902, but received at this office June 30, 1902. You state therein that your wife, Mrs. M. A. Sparks, is a sister of the Draper boys, and that she appeared before the Commission about a month ago. You also ask with reference to the enrollment of certain persons, John Alfred, Willie and Joe Mitchell who you say appeared before the Commission about a month ago, and inquire what evidence you should secure to establish your wife's claim.

In reply to your letter you are advised that it appears from our records that Mary A. Sparks, wife of C. W. Sparks, made application to this Commission at Muskogee, Indian Territory, May 31, 1902, for the identification of herself and her four minor children as Mississippi Chootaws. No decision has yet been reached nor opinion rendered relative to their rights as such Mississippi Chootaws.

The authority of the Commission to determine the identity of so-called Mississippi Chootaws is found in the following provision of the act of Congress of June 25, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, referred to in the foregoing legislation, provides as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The commission will require of applicants for identification as Mississippi Choctaws under the provisions of the law and the treaty above quoted, a reasonable demonstration of the fact that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and whose claims under article fourteen of the said treaty of 1830 were favorably adjudicated. The commission cannot pass upon the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

Replying to that part of your letter relative to the enrollment of the Mitchells whom you name, you are informed that it

C.W.S. 3

does not appear from our records that any persons by the name of John, Alfred, Willie and Joe Mitchell have appeared before the Commission as applicants for identification as Mississippi Choctaws. It does appear that a John H. Mitchell, thirty five years old, of Brin Springs, Indian Territory, son of William C. and Nancy Mitchell appeared before the Commission and applied for the identification of himself and his daughter, Bessie Mitchell, as Mississippi Choctaws, June 23, 1902. No decision has been reached nor opinion rendered in this case.

As soon as a decision is rendered in the matter of the application of Mary A. Sparks, et al. for identification as Mississippi Choctaws, she will be notified of the action of the Commission and of the forwarding of the record in her case to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 5736

Muskogee, Indian Territory, November 13, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, asking that the cases of Lewis J. Draper, Andrew J. Draper, and others, applicants for identification as Mississippi Choctaws, be held open for the reason that there are other descendants of the same common ancestor who will make application soon, whose cases you desire to have consolidated with the above.

In reply to your letter you are advised that if you will make some definite statement relative to the length of time you desire to have these cases held open the matter will receive consideration.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 15, 1903.

S. M. Cobb,

Attorney-at-law,

Hot Springs, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., by reference from Commissioner Breckinridge. Therein you inquire as to the "kind and amount of proof necessary to establish a right to citizenship in the Choctaw Nation". You state that you represent the grand-children and great grand-children of Billy Jones and Rebecca Bop or Box whose names appear upon the Mississippi Choctaw roll. In conclusion you ask that you be furnished with printed rules of practice before the Commission and that a copy of the treaty of 1830 be sent you.

In reply to your letter you are informed that it appears from the records of the Commission that Mary Sparks and certain other persons made application to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor, Rebecca Bop or Box, who married Johnny or Andrew Jolly Jones. The Commission on January 7, 1903, rendered its decision refusing the several applications included in this case, and on the same date the applicants were notified by registered mail of the action of the Commission and that they were allowed

fifteen days from the date of said decision in which to file arguments in support of their claims to be forwarded to the Secretary of the Interior. The fifteen days heretofore granted in this case will expire on January 22, 1903, and on January 23, 1903, the record therein together with such arguments as may be offered will be forwarded to the Secretary of the Interior.

Relative to the necessary procedure in establishing Mississippi Choctaw claims, you are advised that the authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the Act of Congress approved June 28, 1898, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not

lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission in determining the rights of persons to be identified as Mississippi Choctaws, requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 26, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 26, 1898, contemplated the identification of only those

"Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty."

It would, therefore, be necessary, in order for your clients to obtain rights as Mississippi Choctaws under the provisions of the Act of Congress of June 26, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at

S.M.Cobb---4

the date of the conclusion of the treaty of 1630 ^{was a beneficiary} ~~was a beneficiary~~ under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The Act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations, September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

The Commission has no copies of the Choctaw treaty of 1630 for distribution, but said treaty is contained in Volume VII, United States Statutes at Large, Page 333. There is enclosed you herewith a copy of the regulations governing the recognition of agents and attorneys before the Commission to the Five Civilized Tribes and Land Offices established by said Commission, approved

S.M.Cobb---5

by the Secretary of the Interior, March 26, 1901.

Respectfully,

Commissioner in Charge.

Enc.-regulations attorneys

Muskogee, Indian Territory, February 3, 1903.

Mrs. J. P. Jones,
Amith, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter, without date, in which you state that your family are trying for a right in the Choctaw nation "under the names of our ancestors Becky Box and William, Robert and John Jones." You state that you have your proof ready and have been waiting for your lawyer to call your witnesses before the Commission; that he seems very slow and you desire to know when the time for "putting in claims" expires.

In reply to your letter you are informed that it appears from the records of the Commission that Mary A. Sparks and certain other persons are applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Rebecca Box or Bop, who married a man by the name of Jones, and that the Commission, on January 7, 1903, rendered its decision refusing the several applications in this case, and on the same date the several applicants were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior. The fifteen days heretofore granted in this case expired

Mrs. J. P. J.--2

on January 22, 1903, and on January 23, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The several applicants will be notified of such action as may be taken by him.

You are advised that the authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the twenty-first section of the act of Congress approved June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw Lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim

Mrs. J. P. J.---3

under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the

Mrs. J. P. J.--4

act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 4, 1903.

Curl & Cobb,
Attorneys-at-Law,
Hot Springs, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ult., in which you state that you will appear before the Commission "somewhere between the 1st to the 5th of Feb. to offer additional evidence in behalf of your clients": that you will be able to show to the Commission "that these parties should be enrolled as Choctaws".

In reply you are informed that as your letter is in response to our communication of the 20th ult., it is presumed that you have reference to the consolidated Mississippi Choctaw case of Mary Sparks, et al. The applicants therein claim Choctaw descent from Rebecca Box or Bop, and you are informed that the record in this case, together with the decision of the Commission refusing the several applications included therein, was on January 26, 1902, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of this case.

The several applicants will be notified of any action

Curl & Cobb---2

taken by the Secretary of the Interior.

Respectfully,

Acting Chairman.

M C R 5562
M C R 5563
M C R 5735

Muskogee, Indian Territory, February 20, 1904.

Lewis J. Draper,
Hickory, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 2, 1904, by reference from the Secretary of the Interior. Therein you ask to be advised the status of the Mississippi Choctaw applications of Lewis J. Draper, Andrew J. Draper, and Mary A. Sparks.

In reply you are advised that on January 23, 1903, the Commission forwarded the record in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al., of which the applications of Lewis J. and Andrew J. Draper are a part, together with its decision of January 7, 1903, refusing said application, to the Secretary of the Interior, and up to the present time the Commission has not been informed of any departmental action thereon. When the decision of the Secretary of the Interior in this case is made known to the Commission you will be duly notified.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary A. Sparks, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	M.C.R. 5736
Lewis J. Draper, et al.,	M.C.R. 5562
Rebecca Fitzer,	M.C.R. 5734
Andrew Jackson Draper, et al.,	M.C.R. 5563
James L. Draper, et al.,	M.C.R. 6088
Amanda A. Meeks, et al.,	M.C.R. 6139
Sarah F. Young, et al.,	M.C.R. 6140
Fannie Whatley, et al.,	M.C.R. 6207
Ida Talkington,	M.C.R. 6232
Ada McClurge, et al.,	M.C.R. 6233
John A. Meeks, et al.,	M.C.R. 6198
Martha Potest, et al.,	M.C.R. 6208
Willis M. Meeks, et al.,	M.C.R. 6206
Victoria Blevins,	M.C.R. 6199
James L. Jones, et al.,	M.C.R. 6097
Joseph C. Jones, et al.,	M.C.R. 6141
Mary Ann Fant, et al.,	M.C.R. 6201
Frances Morgan, et al.,	M.C.R. 6209
Phoebe Meeks,	M.C.R. 6210
Amanda V. Pate, et al.,	M.C.R. 6200
Alex Meeks, et al.,	M.C.R. 6212
Nevada Meeks,	M.C.R. 6211
George M. Jones,	M.C.R. 6237
John M. Jones, et al.,	M.C.R. 6138
James Edward Jones,	M.C.R. 6193
Henry M. Jones,	M.C.R. 6194

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

Original application of Mary A. Sparks, et	(Page)
al., to the Dawes Commission for identifi-	
cation as Mississippi Choctaws-----	1

Substitute
5735

-3-

Certified copy of the marriage record of John A. Meeks and Ballie White	78
Original application of Martha Poteet, et al., to the Dawes Commission for identification as Mississippi Choctaws	79
Original application of Willis M. Meeks et al., to the Dawes Commission for identification as Mississippi Choctaws	84
Joint affidavit of J. L. Meeks and Amanda A. Meeks witnesses to the marriage of W. M. Meeks and Gennetta Meeks	89
Original application of Victoria Blevins, et al., to the Dawes Commission for identification as Mississippi Choctaws	90
Original application of James L. Jones et al., to the Dawes Commission for identification as Mississippi Choctaws	95
Joint affidavit of Ben Powell and James A. Tedder witness es to the marriage of James L. Jones	104
Affidavit of William P. Faunt witness to the marriage of James L. Jones and Lucinda Jones	105
Certificate of J. A. Stevens, Notary Public as to Willis Jones and Mary Jones being husband and wife	106
Original application of Joseph C. Jones et al., to the Dawes Commission for identification as Mississippi Choctaws	107
Certified copy of the marriage record of J. C. Jones and Dole R. Richmond	113
Original application of Mary Ann Pant et al to the Dawes Commission for identification as Mississippi Choctaws	114
Original application of Frances Morgan, et al., to the Dawes Commission for identification as Mississippi Choctaws	116
Original application of Phoebe Meeks to the Dawes Commis- sion for identification as a Mississippi Choctaw	123
Original application of Amanda V. Pate, et al., to the Dawes Commission for identification as Mississippi Choctaws	128
Original application of Alex Meeks, et al., to the Dawes Commission for identification as Mississippi Choctaws	133
Certified copy of the marriage record of Alex Meeks and Rosetta Lafevree	139
Original application of Nevada Meeks to the Dawes Commission for identification as a Mississippi Choctaw	140

Affidavit of George T. Epperson	6
Original application of Ollie Owens to the Dawes Commission for identification as Mississippi Choctaws	7
Original application of Lewis J. Draper et al., to the Dawes Commission for identification as Mississippi Choctaws	11
Affidavit of Lewis J. Draper as to the marriage of Lewis J. Draper and Sarah A. Oneel and Lewis J. Draper and Marinda Hicks	16
Affidavit of James L. Draper as to the marriage of Andrew Jackson Draper and Ellen Caroline Petty	17
Original application of Rebecca Fitzer to the Dawes Commission for identification as a Mississippi Choctaw	18
Testimony of Lewis J. Draper	22
Original application of Andrew Jackson Draper, et al., to the Dawes Commission for identification as Mississippi Choctaws	24
Certified copy of the marriage record of Andrew J. Draper and July A. Tidder	28
Original application of James L. Draper, et al., to the Dawes Commission for identification as Mississippi Choctaws	29
Joint affidavit of L. J. Draper and C. W. Sparks, witnesses to the marriage of James L. Draper and Letha L. Cox	37
Birth Affidavit of James L. Draper	39
Original application of Amanda A. Meeks et al., to the Dawes Commission for identification as Mississippi Choctaws	40
Original application of Sarah F. Young et al., to the Dawes Commission for identification as Mississippi Choctaws	48
Testimony of Jessie L. Meeks	54
Original application of Fannie Whatley et al., to the Dawes Commission for identification as Mississippi Choctaws	56
Original application of Ida Talkington to the Dawes Commission for identification as Mississippi Choctaws	60
Original application of Ada McClurge, et al., to the Dawes Commission for identification as Mississippi Choctaws	66
Original application of John A. Meeks et al., to the Dawes Commission for identification as Mississippi Choctaws	72

Original application of George M. Jones to the Dawes Commission for identification as a Mississippi Choctaw	144
Original application of John M. Jones et al., to the Dawes Commission for identification as Mississippi Choctaws	155
Certified copy of the marriage record of John Jones and Arbell Glover	161
Original application of James Edward Jones to the Dawes Commission for identification as a Mississippi Choctaw	162
Original application of Henry M. Jones to the Dawes Commission for identification as a Mississippi Choctaw	167
Decision of the Commission refusing the applications of Mary A. Sparks, et al., for identification as Mississippi Choctaws	171

COPY

Muskogee, Indian Territory, January 7, 1908.

Mary A. Sparks,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al..	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitser	M.C.R. 5724
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.R. 6139
Sarah P. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Potnot, et al.	M.C.R. 6208
Willie M. Meeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph G. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones,	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

Mary A. Sparks,--2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty, seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Eliner L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Potest, Maudie E. Potest, Elsie D. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Bolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Pant, John Henry Pant, Sina A. Pant, Eddie Pant, Sorlidy Pant, Luella Pant, Alvie Pant, Willis Pant, Carlis Pant, Ora N. Pant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate,

Mary A. Sparks,--B

Otha W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixey.

Acting Chairman.

Registered.

COPY

M.C.R. 5735

Muskogee, Indian Territory, January 7, 1903.

J. G. Ralls,

Attorney at law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Pitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6086
Amanda A. Meeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whatley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6232
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Potest, et al.	M.C.R. 6208
Willie M. Meeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph G. Jones, et al.	M.C.R. 6141
Mary Ann Pant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6212
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6136
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

J. G. Ralls, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse E. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Potest, Audie E. Potest, Elsie D. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellie Jones, Birdie May Jones, Mary Ann Pant, John Henry Pant,

J. G. Ralls, --3

Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora H. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Ralls
Acting Chairman

Registered.

COPY.

N.C.R. 5735

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.,	N.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5662
Rebecca Witzer,	" 5734
Andrew Jackson Draper, et al.,	" 5663
James L. Draper, et al.,	" 6088
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whitley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurg, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Poteet, et al.,	" 6203
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210
Amanda V. Fife, et al.,	" 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John M. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Pitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivar C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Maudie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Anza Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant, Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis Fant, Ora N. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otho W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Benlah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

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time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, *Tamr Blaky*
Acting Chairman.

COPY.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary A. Sparks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 7, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Mary A. Sparks, et al.,	M.C.R. 5735
Ollie Owens,	" 5736
Lewis J. Draper, et al.,	" 5562
Rebecca Fitzer,	" 5734
Andrew Jackson Draper, et al.,	" 5563
James L. Draper, et al.,	" 6098
Amanda A. Meeks, et al.,	" 6139
Sarah F. Young, et al.,	" 6140
Fannie Whitley, et al.,	" 6207
Ida Talkington,	" 6232
Ada McClurge, et al.,	" 6233
John A. Meeks, et al.,	" 6198
Martha Potest, et al.,	" 6208
Willis M. Meeks, et al.,	" 6206
Victoria Blevins, et al.,	" 6199
James L. Jones, et al.,	" 6097
Joseph C. Jones, et al.,	" 6141
Mary Ann Fant, et al.,	" 6201
Frances Morgan, et al.,	" 6209
Phoebe Meeks,	" 6210

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Amanda V. Pate, et al.,	M.C.R. 6200
Alex Meeks, et al.,	" 6212
Nevada Meeks,	" 6211
George M. Jones,	" 6137
John W. Jones, et al.,	" 6138
James Edward Jones,	" 6193
Henry M. Jones,	" 6194

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dixey.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 5735

McR 5735

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

(Copy)

Land.

WASHINGTON

October 4, 1904.

6150-1903.

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated January 23, 1903, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Mary A. Sparks for herself and her four minor children, James William, July Annice, Oscar Ollen, and Clara May Sparks; by Ollie Owens for herself; by Lewis J. Draper for himself and his eight minor children, Asa W., Lottie A., George Andrew, Jeddie H., Ora B., Lewis and Leroy L. Draper; by Rebecca Fitzer for herself; by Andrew Jackson Draper for himself and his seven minor children, John W., Charles E., Mary E., Lee E., James F., William E. and Calvin Hester Draper; by James L. Draper for himself and his five minor children, John H., Elinor L., Jessie J., James S., William H. and Alva Dale Draper; by Amanda A. Weeks for herself and her two minor children, Calvin and Rebecca Weeks; by Sarah F. Young for herself and her ten minor children, Allen, Louisa M., Onie, Jesse B., Rebecca J., Clayton, Gustus, Kelsey,

2---

Elmer and Viola Young; by Fannie Whatley for herself and her four minor children, Edgar A., Ivin C., Vestie and Erie Whatley; by Ida Talkington for herself; by Ada McClurge for herself and her minor child, Arthur McClurge; by John A. Meeks for himself and his minor child, Walter Meeks; by Martha Poteet for herself and her five minor children, Maudie E., Elsie D., Binnie, Erie and Ernest Poteet; by Willis M. Meeks for himself and his three minor children, Clifford, Warner L. and Gracie May Meeks; by Victoria Belvins for herself and her three minor children, Ira, Auza and Ardia Belvins; by James L. Jones for himself and his nine minor children, Annie Willie, John A., Arizona, Douglas, Oattie, Starling, Granville and Dolo Jones; by Joseph C. Jones for himself and his two minor children, Ellis and Birdie May Jones; by Mary Ann Fant for herself and her nine minor children, John Henry, Sina A., Eddie, Sorildy, Luella, Alvie, Willis, Carllis and Ora H. Fant; by Frances Morgan for herself and her minor child, Dewey Allen Morgan; by Phoebe Meeks for herself; by Amanda V. Pate for herself and her two minor children, Otlio W. and Vesta B. Pate; by Alex Meeks for himself and three minor children, Florence, Beulah and Neelie Meeks; by Nevada Meeks for herself; by George M. Jones for himself; by John M. Jones for himself and his two minor children, Jay Houston and Annie Bell Jones; by James Edward Jones for himself and by Hanny M. Jones for himself.

2---

January 7, 1903, the Commission decided adversely to all the applicants.

The record shows that all the applicants claim under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Bop (or Rebecca, or Becky Jones, born, Bop, or Box or Boe), who is alleged to have been a full blood Choctaw Indian residing in Mississippi in the year 1830.

It is further shown from the record and from the records of this office that none of the applicants have ever been enrolled, recognized or admitted to citizenship by any authority of the Choctaw Nation or by the United States.

It does not appear from the evidence in the record, or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Bop (or Rebecca, or Becky Jones, born Bop, or Box or Boe) or an ancestor less remote signified to any person an intention to comply or did comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or any subsequent legislation thereunder.

In view of the record, the approval of the Commission's decision adverse to all of the applicants is recommended.

Very Respectfully,

MM:LM

A. C. Tonner,
Acting Commissioner.

W.C.F.

DEPARTMENT OF THE INTERIOR
WASHINGTON

FHE
November 17, 1904.

D.C. 45296-1904.
I.T.D. 9232-1904.

IRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

January 23, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Mary A. Sparks, et al (M.C.R. 5735), including your decision of January 7, 1903, which was adverse to the applicants.

Reporting in the matter October 4, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

M.C.R. 5735

COPY.

Muskogee, Indian Territory, November 30, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

T. E. Hodges.

Commissioner in Charge.

COPY.

M.C.R. 5735

Muskogee, Indian Territory, November 30, 1904.

Curl & Cobb,

Attorneys at Law,

Hot Springs, Arkansas,

Gentlemen:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al.

Respectfully,

(SIGNED)

T. E. McCallie.

Commissioner in Charge.

Muskogee, Indian Territory, November 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by mail on the 7th day of January, 1903.

Respectfully,

SIGNED)

T. B. Hodges.

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 5735

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

Mary A. Sparks,

Caddo, Indian Territory,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Commissioner in Charge.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

IN THE MATTER OF THE APPLICATION OF
Andrew J. Draper; Lewis J. Draper and Mrs. Rebecca Fitzner:
Nos. 5562, 5563, and 5734.

THE APPLICATION FOR A COMMISSION TO TAKE DEPOSITIONS:

Comes now Lewis J. draper for himself and his descendants
and Andrew J. Draper and his descendants, and for all descendants
of Becky Bop and her husband Jolly Jones, and shows to this Honorable
Commission that he has heretofore made personal application to be
identified as a Mississippi Choctaw and that in his application he
claimsthat his Greatgrandmother was Becky Bop, a full-blood
Choctaw Indian, and that other persons are claiming as Mississippi
Choctaws and as descendant's of the said Becky Bop.

Your petitioner shows that Jesse Meeks and Allen Meeks
who both reside at New Hope, Pike County Arkansas, are important
witnesses in behalf of the applicants and that he believes that they
will testify that they were born and partially raised in the Old
Choctaw nation in the state of Mississippi; that they are now about
seventy (70) years of age; and that while quite young they became
acquainted with the said Becky Bop; that she was a full blood Choctaw
Indian and married Jolly Jones, and that by said marriage there were born

2.

to them Annes , Willis, and Jolly Junior, that Anne married Coleman Draper; and there were born to them Andrew J. Jefferson, Lizzie, Polly, Willis, Catharine and Minerva; that Willis married a Miss Huts Butler, and there were born to them Nancy, Amanda, William, John, Anby, James and Mary; that Jolly Jr. Married and by said marriage there were born Jans, Jesse, John, and Addie;

Your petitioner shows that he cannot prove these facts by any other person as well as by these witnesses, and asks that a commission be issued to any proper officer for the purpose of taking their depositions.

J. H. Kacy
attorney.....

I, Lewis J. Draper having been first duly sworn, according to law states on his oath that he is one of the above named applicants and that he has read the above and foregoing petition and believes that the statements therein contained are true.

... *Lewis J. Draper*

Subscribed and sworn to before me this the 31st. day of May, 1902.

Adeline S. Gashen
Notary Public.

Commission expires
Aug 28/1905.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

IN THE MATTER OF THE APPLI CATION OF

Andrew J. Draper; Lewis J. Draper; and
Mrs. Rebecca Fitzer:

Nos. 5562, 5563, & 5734.

NOTICE TO TAKE DEPOSITIONS:

To Mansfield, McMurray & Cornish, Attorneys of Record for the
Choctaw and Chickasaw Nation:

YOU ARE HEREBY NOTIFIED; That between the hours of
8 oclock in the forenoon and 6 oclock in the afternoon of the 21st.
day of June, 1902, at the office of John Stephens, a Justice of the
peace in Pike County Arkansas, there will be taken the deposition of
witnesses in behalf of the applicants to be used before the Commission
to the Five Civilized Tribes in their behalf, and in behalf of all
persons applying to be identified as Mississippi Choctaws claiming
Becky Bop as their common ancestor, and if said depositions be not
completed on said day, the taking thereof will be continued from day
to day between the same hours and at the same place until completed, a
copy of the interrogatories to be propounded to each of said witness is
hereto attached.

Witness my hand this the 31st. day of May, 1902.

J. G. Rues
Attorney for Applicants.

{ Bop
 Becky Bop
 Becky Box
 or

Rebecca Bop (fb)
 mar
 Johnny Jones
 w.
 (or Andrew Jolly Jones)

or Annice Jones
 Annes Jones 1/2
 mar
 Coleman Draper

Andrew J. Draper 1/4
 (dead)
 mar
 Ellen Caroline Petty
 (dead)

①

mer
 5135

Mary A. Draper 50-1/2
 mar
 C. W. Sparks
 w.

mer
 5562

Lewis J. Draper 48-1/2
 mar
 ① Sarah A. Ouel
 (dead) - w.
 ② Marinda Hicks
 w.

mer
 5735

James William Sparks 18
 July Annice Sparks 16
 Oscar Ollen Sparks 13
 Clara May Sparks 11

mer
 5136

Ellie Sparks 19-1/2
 mar

Jim Owens
 w.

mer
 5762

Asa W. Draper 18
 John H. Draper 16
 Lottie A. Draper 14
 George Andrew Draper 12
 Jeddie H. Draper 8
 Ora B. Draper 6
 Lewis Draper 4
 Leroy L. Draper 1

mer
 5137

Rebecca Draper 20-1/2
 mar
 Frank Fitzger
 w.
 Mollie Draper
 mar
 Miser

2

Bop
Becky Bop
Becky Bop

or

Rebecca Bop (ph)
mar

Johnny Jones
w.

(or Andrew Jolly Jones)

(or Annie Jones)

Annie Jones 1/2
mar

Coleman Draper

Andrew J. Draper 1/2
mar
(dead)

Ellen Caroline Petty
(dead)

mer
5563

John W. Draper 20

Charles E. Draper 18

Mary E. Draper 16

Lee E. Draper 15

James F. Draper 14

William E. Draper 11

Calvin Hester Draper 9

mer
5563

Andrew Jackson Draper 10 1/2
mar

Julie A. Tidders
(or July ") w.

mer
6088

John H. Draper 14

Elmer L. Draper 12

Jessie J. Draper 10

James S. Draper 8

William H. Draper 6

Alva Dale Draper

mer
6088

James L. Draper 43 1/2
mar

Lethia L. Cox
(or Letha ")

+ Infant: birth affidavit filed

or Rebecca Box
 Becky Box (or 3/4)
 mar
 Andrew Jolly Jones

Willis Jones (dead)
 wife
 Mary Jones
 (or Phoebe Jones?)
 nee Butler
 or Phoebe Jones

mar
 6139
 Amanda A. Jones 64
 mar
 ② Jesse Meeks 70
 (or Jesse L. ...)
 ① John Williams (dead)

mar
 6138
 Calvin Meeks 20
 Rebecca Meeks 18
 mar
 6140
 Sarah F. Williams 42 1/2
 mar
 Silas S. Young
 (or Simon or Lime ...)

Andrew Meeks 37
 William Silas Meeks 34
 Joseph Meeks 22

mar
 6140
 Allen Young 20
 Louisa M. " 15
 Onie " 17
 Jesse B. " 15
 Rebecca J. " 13
 Clayton " 11
 Gustie " 9
 Kelsey " 7
 Elmer " 5
 Viola " 2

mar
 6207
 Tammie Young 25 1/2
 mar
 Wesley Whatley - w
 mar
 6207
 Edgar A. Whatley
 Irvin S. " 4
 Vestie " 2
 Erie " 7m

mar
 6232
 Ida Young 23 -
 mar
 Andrew Talkington - w

mar
 6233
 Ada Young 23 -
 mar
 Charlie M^cClurg - w
 mar
 6233
 Arthur M^cClurg

mer
6.98

John A. Meeks 31- $\frac{1}{16}$

mar

Sallie White
-w-

mer
6.48

Walter Meeks 5

mer
6.208

Martha Meeks 31- $\frac{1}{16}$

mar

George D. Poteet
-w-

mer
6.208

Mandie E. Poteet 13

Elsie D. Poteet 11

Binnie Poteet 10

Erie Poteet 5

Ernest Poteet 1

Amanda A. Jones
etc -

mer
6.206

Willie M. Meeks 27- $\frac{1}{16}$

mar

Nettie M. Richmond
w

(or Genetta ")

6.286

Clifford Meeks 5

Warner L. Meeks 3

Gracie May Meeks 1

mer

Victoria Meeks 25- $\frac{1}{16}$

mar

Augustus Blevins
w

mer
6.99

Ira Blevins 7

Anza Blevins 4

Ardia Blevins 1

or Rebecca Box

Becky Box

mar

Andrew Jones

Willis Jones
(dead)

wife

Mary Jones

men
6097

James L. Jones 49- $\frac{1}{8}$

wife

Susie Jones
(dead)

Lucinda Jones

men
6091

Aunie Jones 20

Willie Jones 15

John A. Jones 16

Arizona Jones 14

Douglas Jones 12

Ottie Jones 10

Starling Jones 6

Granville Jones 4

Dolo Jones 2

men
6041

Joseph C. Jones 25- $\frac{1}{4}$

mar

Dolo Richmond
w

men
604

Ellis Jones 5

Birdie May Jones 2

men
6201

Mary Ann Jones 42- $\frac{1}{8}$

mar

William Faut
-w-

men
6201

John Henry Faut 20

Sina A. " 18

Eddie " 16

Sorildy " 15

Luella " 12

Alvie " 10

Willis " 8

Corlis " 3

Ora M. " 3 m

Robert Huston Faut

Cont

Rebecca Box
mar
Andrew Jolly Jones
↓
or
Rebecca Jones
husband
Andrew Jolly

Willie Jones
etc

Nancy E. Jones
(dead)
mar
Allen Meeks
- w.

MR
6209

Frances Meeks 43- $\frac{1}{16}$

mar
S. J. Morgan

MR
6210

Phoebe Meeks 35- $\frac{1}{16}$

MR
6200

Amanda V. Meeks 33- $\frac{1}{16}$

mar
J. S. Pate
(dead) - w.

MR

0200
Otho W. Pate 8

Vesta B. Pate 4

MR
6212

Alex Meeks 30- $\frac{1}{16}$

mar
Rosetta Lafevres

MR
6212

Florence Meeks 6

Beulah Meeks 3

Nellie Meeks 1

MR
6211

Nevada Meeks 27- $\frac{1}{16}$

Becky Box ^(1/2 or 3/4)
mar
Andrew Jolly Jones

John Jones ^(1/2 3/4)
wife
Mary Elizabeth Jones
(dead)

mar
6/37
George M. Jones 66-1/8
wife
Emily J. Jones

Mary L. Jones
mar
A. J. Thompson

Drucilla A. Jones
mar
Charles Mitchell

Nancy Luella Jones

James L. Jones
wife
Jones
w.

George William Jones
wife
Lindy Jones
w.

Consolidated Case
of
Mary A. Sparks et al.

5135

(6)

(or Becky Box)
Becky Box
etc

Andrew Jolly Jones
(deed)
wife
Polly Ann Jones

mar
6138
John M. Jones 46 -
mar
Nancy Belle Glover
(or Arbell ")

mar
6138
Jay Houston Jones 17
Annie Belle Jones 7
mar
6193
James Edward Jones 23 - $\frac{1}{16}$ or $\frac{1}{8}$
wife
Lucy Leonthard Jones
mar
6194
Henry M. Jones 21 - $\frac{1}{16}$

No. 5735

For Identification as a Mississippi Choctaw.

Date MAY 31 1902

Name Mary A. Sparks.

Age 50

Blood

1/8

Post-Office, Caddo, I.T. — —

Father: Andrew J. Coraper, d.

Mother: Ellen C. "

d.

Claims through
husband father

C. W. Sparks, b. w.

No claim for husband

Children:

James W. Sparks, 18

July Annice " F 16

Oscar Allen " 13

Clara May " 11

Claims for self &
minors.

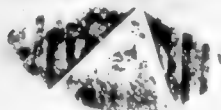
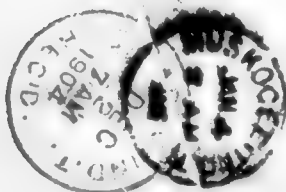
Stenographer H. L. Harris.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

JAN - 4 1905

[Handwritten signature]

CHAIRMAN



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

General Office

M. C. R.

5735

Mary A. Sparks,
WRITER

UNCLAIMED



Choctaw MCR 5736

Ollie Owens

See MCR 5735

MCR 5736

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 31, 1902.

5736

In the matter of the application of Ollie Owens for identification as a Mississippi Choctaw.

No attorney for applicant:

Ollie Owens being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ollie Owens.
Q What is your age? A Nineteen.
Q What is your post office address? A Gaddo, I.T.
Q How long have you lived at Gaddo? A Seven years.
Q Where did you live before that? A I come from Texas there.
Q Were you born in Texas? A No sir, born in Pike County, Arkansas.
Q And you went from Arkansas to Texas? A Yes sir.
Q How long were you in Arkansas? A About ten years.
Q How long in Texas? A About two years.
Q From Texas you went where? A To Arkansas and stayed one year and back to the nation.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A G.W. Sparks was his name.
Q What is your mother's name? A Mary A. Sparks.
Q You claim your Choctaw blood through which parent, father or mother? A My mother.
Q How much do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Has she ever been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q When & if she came before the Commission? A Just a while ago.

M.C.B. 5736 is referred to

- Q You want to refer to that and make it part of your application?
A Yes sir.

- Q Are you married? A Yes sir.
 Q What is your husband's name? A Jim Owens.
 Q He is living is he? A Yes sir.
 Q And a white man? A Yes sir.
 Q Do you make any claim for him? A No sir.
 Q Have you any children you want to make application for? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States before this present application? A No sir.
 Q You never have been enrolled as a Choctaw Indian by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing rabbit Creek on the 27th September 1830. The object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those who stayed back there article fourteen was put into the treaty; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors homesteaded or attempted to comply with article fourteen of that treaty in any way? A No sir

Q You understand that don't you, well enough to claim under it?
A Yes sir.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Annice Jones.
Q What relation to you was she? A She was my aunt; no, my great-grandmother.
Q How much Choctaw blood did she have? A A half breed.
Q Did she live in the old Choctaw nation in Mississippi in 1830--72 years ago? A I don't know.
Q Do you know the name of any Choctaw ancestor of yours who lived in the old Choctaw Nation in 1830 and who was head of a family there then? A No sir.
Q You never heard that Annice Jones was head of a family in 1830 in Mississippi? A My mother told me that.
Q Well, you have heard that from your mother. A Yes sir.
Q She told you that Annice Jones lived in Mississippi in 1830?
A No; she taught me that she was half breed; that's all I know; yesh she told me that she lived there then.
Q And had children there then? A Yes sir.
Q Are you quite sure that she told you that? A Yes sir.
Q How old would Annice Jones be if living now? A I don't know.
Q Did she speak the Choctaw language or have a Choctaw Indian name?
A I don't know.
Q Did your mother ever live in Mississippi? A Yes sir.
Q Your mother claimed through which parent, father or mother?
A Her father.
Q What was his name? A Andrew Jackson Draper. (Prompted)
Q Andrew J. Draper your grandfather claimed through whom? A His mother.
Q What was her name? A Bop I t hink-- no, Jones. (Prompted).
Q Was it Annice Jones? A Yes sir.
Q What was her maiden name, do you know? A No sir.
Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw nation East of the Mississippi River under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation East of the Mississippi River in 1830? A I don't know.
Q Did any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory between 1833 to 1853? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward neglected to put upon his list known as Ward's Register; his failure to do this caused many Indians who had land in the old Choctaw Nation upon which they had improvements to leave both, because the Government took them and sold

them at Public Land Sale; so many complaints were made that in 1837 and 1842 by various acts Congress appointed Commissions to go to Mississippi and hear claimants under article fourteen.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article fourteen of that treaty? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to all Indians who claimed their rights under article fourteen and proved their rights under that article and also proved that their land had been taken from them by the Government.

What relation is Lewis J. Draper to you? A My uncle,

Q He has made application, has he not, to be identified as a Mississippi Choctaw? A Yes sir.

Q Would you like to have his case and yours considered together? A Yes sir.

Case of Lewis J. Draper et al., M.C.R. 5562, is referred to for consolidation.

Q Do you understand or speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, light complexion; she does not understand or speak the Choctaw language and has no knowledge of the compliance by her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn in his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 12 day of July, 1902.

Philip H. Hopkins
Notary Public.

COPY.

M.C.R. 5736

Muskogee, Indian Territory, January 7, 1903.

Ollie Owens,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., returning the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Weeks, et al.	M.C.R. 6139
Sarah V. Young, et al.	M.C.R. 6140
Fannie Whitley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6252
Ada McElurge, et al.	M.C.R. 6253
John A. Weeks, et al.	M.C.R. 6198
Martha Potest, et al.	M.C.R. 6208
Willis M. Weeks, et al.	M.C.R. 6208
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 5997
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Pate, et al.	M.C.R. 6201
Francois Morgan, et al.	M.C.R. 6209
Phoebe Weeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Weeks, et al.	M.C.R. 6213
Nevada Weeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6136
James Edward Jones	M.C.R. 6195
Henry M. Jones	M.C.R. 6184

Ollie Owens,—3

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Ana W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Pitzer, Andrew Jackson, John W. Draper, Charles E. Draper, Mary E. Draper, Lee L. Draper, James F. Draper, William E. Draper, Galvin Hester, Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jessie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah P. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin G. Whatley, Vestie Whatley, Erie Whatley, Ida Talkington, Ada McClurg, Arthur McClurg, John A. Meeks, Walter Meeks, Martha Potest, Maudie E. Potest, Elsie D. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willis M. Meeks, Cliford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Auna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willis Jones, John A. Jones, Arizona Jones, Douglas Jones, Ollie Jones, Starling Jones, Granville Jones, Bolo Jones, Joseph G. Jones, Ellis Jones, Birdie May Jones, Mary Ann Fant, John Henry Fant, Sina A. Fant, Bidie Fant, Corlidy Fant, Luella Fant, Alvie Fant, Willie Fant, Edie

Ollie Owens,—3

Fant, Ora W. Fant, Frances Morgan, Dewey Allen Morgan, Phoebe Meeks, Amanda V. Pate, Otha W. Pate, Vesta B. Pate, Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks, Nevada Meeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COMMISSIONERS:
TAMM HENRY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10703

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 5736

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

Ollie Owens,

Caddo, Indian Territory,

Dear Madam:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Commissioner in Charge.

No. 5736

For Identification as a Mississippi Choctaw.

Date MAY 31 1902

Name Ollie Owens.

Age 19— Blood 1/16

Post-Office, Caddo. I.T. —

Father: C. H. Sparks, l.

Mother: Mary A. — l.

Claims through mother, —
husband,

Tim Owens, — l. w.

No claim for husband,

Children:

Claims for self
alone

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

JAN -4 1905

[Handwritten signature]

CHAIRMAN.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

General Office

M. C. R.

5756

Ollie Owens,



Choctaw MCR 5737

Thaddeus W. Dumas

See MCR 4006

MCR 5737

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 31, 1902.

5737

In the matter of the application of Thaddeus W. Dumas for identification as a Mississippi Choctaw.

J.G. Ralls, attorney for applicant:

Thaddeus W. Dumas being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thaddeus W. Dumas.
Q What is your age? A Sixty four last November.
Q What is your post office address? A Wrenton, Arkansas.
Q How long have you lived at Wrenton? A Nine years.
Q Where did you live before that? A At Pleasant Plains in the same County.
Q Where were you born? A Border Springs, Lowndes County, Mississippi.
Q How long did you live there? A My father left there when I was four or five and moved to Fayette County, Alabama.
Q How long in Alabama? A Till I was about 19 years of age.
Q When you went where? A To Missouri.
Q Where in Missouri? A My father moved to Missouri.
Q How long did you live in Missouri? A One year and preceding the war.
Q Then you went where? A I went from there to Columbus Kentucky.
Q How long did you stay in Kentucky? A Until a short time before the war come up; I joined the army in Kentucky.
Q After the war where did you go? A Pontotoc County, Mississippi.
Q From Mississippi you went where? A I came to Arkansas.
Q And you have lived there since, have you? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Winchester Dumas.
Q What was your mother's name? A Louisa M. Dumas.

Q You claim your Choctaw blood through your father? A Yes sir.
Q How much Choctaw blood do you claim? A I can't say.
Q You don't know? A I don't know.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q Have you proof of the marriage of your father and mother with you? A No sir.
Q Know when and where they were married? A In South Carolina; I don't remember the place or time.
Q Could you introduce that proof within a few days? A I don't know that I could.
Q Are you married? A Yes sir.
Q What is your wife's name? A Phoebe.
Q P-h-e-b-e? A Yes sir.
Q She living? A Yes sir.
Q Is she Choctaw Indian or white woman? A I don't know that she has any Indian blood.
Q You claim her to be white woman then? A Yes sir.
Q Do you make any claim for your wife? A No sir.
Q Have you any children under twenty one years of age and unmarried? A No children at all.
Q You claim for yourself alone/ do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
Q You don't believe that you are enrolled as a Choctaw Indian, do you? A No sir, I don't think I am.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A I have not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I have not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A I haven't.
Q Have you ever before this date made application for enrollment as a Choctaw Indian to either the Choctaw tribal authorities or the authorities of the United States? A I haven't.
Q Then your name has never been placed on any of the rolls has it, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q You want to be identified as a Mississippi Choctaw now? A Yes sir.
Q Do you claim under article four teen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I think I understand it sufficiently well.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and

forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become a citizen of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article, do you know? A I don't know.
Q Whom do you claim your right to be identified through? A Through Elizabeth Brasher who was the wife of my grandfather, Elhanan W. Dumas.
Q How much Choctaw blood did Elizabeth Brasher have? A I don't know.
Q Did she live in the old Choctaw Nation in Mississippi or Alabama?
A I don't know; my grandfather lived there but I don't remember where.
Q Your grandfather E.W.Dumas? A Yes sir.
Q He lived where? A Payette County, Alabama.
Q Well, did his wife live with him at that time? A No sir; I can't say; she was dead when I remember her.
Q When do you remember E.W.Dumas living in Payette County, Alabama?
A Well, I was ten years old I reckon then; 54 years ago.
Q Now did you ever hear that his wife, Elizabeth lived in the Mississippi or Alabama in 1830- 72 years ago? A No sir, I don't.
Q You never heard that she was the head of a family there then? A No sir.
Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors own any land or any improvements on land in the old Choctaw Nation in 1830? A I don't know.
Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1837?
A No sir. I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

The Indians who lived in the old Choctaw Nation, East of the Mississippi River, refusing to go to the Choctaw Nation, Indian Territory under the treaty of 1830, were required under article fourteen of that treaty to go to the United States Indian agent within six

months of its ratification if they wanted to take advantage of the article and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Col. Ward neglected to put upon his list known as Wad's register; his neglect to do this caused many Indians who had land in the old Choctaw nation upon which they had improvements to lose both they were taken by the Government and sold at Public Land sale. This caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3, that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act approved August 23, that year another Commission was appointed for that purpose and these two Commissions went to Mississippi and heard claimants under article fourteen.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, to those Indians who proved their rights under article fourteen and also proved that the Government had taken their land from them and sold it. Who is Scott S. Dumas? A A cousin of mine.

Q He has made application to be identified as a Mississippi Choctaw has he? A Yes sir.

Q And a good many relatives of yours also? A Yes sir.

Q Do you want to have all these cases considered with yours and grouped under the case of Scott S. Dumas et al.? A Yes sir.

Scott S. Dumas et al., M.C.R. 4006, is here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say now in support of your claim? A No sir.

Examination by J.G. Ralls:

Q Is Aurelius W. Dumas of Little Rock, Arkansas, a brother of yours?

A Yes sir; he and I are the only ones living of our family.

Q You have been away from the family a great deal? A Yes sir.

Q You have not kept up with the family? A No sir; I knew most of our people; they have been in Texas and I have been East and I have never met all of my people.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, gray

whiskers and mustache; medium fair complexion, somewhat tanned now. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article four teen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on May 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16 day of July, 1902.

Philip H. Hopkins

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

COPY.

REFERRED TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. R. 5737.

ALLISON L. AYERWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Thaddeus W. Dumas,
Wrenton, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sander,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Ison Lantrip, William T. Brasher, Maltie Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collins, James S. Collins, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mattie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gessan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earls Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Laz Caldwell, Janie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Matilda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Lous Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. D.)

Chairman.

Registered.

WCF 5737

Muskogee, Indian Territory, January 22, 1906.

Thaddeus W. Dumas,

Wrenton, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

Commissioner.

No. 5737

For Identification as a Mississippi Choctaw.

Date MAY 31 1902

Name Thaddeus W. Thomas.

Age 64 Blood Don't know.

Post-Office, Wrenston, Ark.

Father: Winchester Thomas. d

Mother: Louisa H. .. d

Claims through father - -
wife. Phoebe Thomas b. w.
No claim for wife -

Children:

Claims for self
none

Stenographer

H. H. Harris.

Choctaw MCR 5738

Caleb D. Bailey

See MCR 6214

MCR 5738

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caleb D. Bailey, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Caleb D. Bailey, et al., M.C.R. 5738
Mollie C. Akers, et al., " 5531

----- I N D E X -----

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Caleb D. Bailey, et al., M.C.R. 5738.

Page

Original application of Caleb D. Bailey, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Original application of Mollie C. Akers, et al., to the Dawes Commission for identification as Mississippi Choctaws, - - - - -	8
Decision of the Commission refusing the applications in the consolidated case of Caleb D. Bailey, et al., for identification as Mississippi Choctaws, - - - - -	13

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 31st, 1902.

#5738.

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In the matter of the application of Caleb D. Bailey for the identification of himself and his five minor children, Willis W., Lela L., Lucy A., Vivian V. and Ruth Bailey, as Mississippi Choctaws.

Applicant not represented by attorney.

Caleb D. Bailey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Caleb D. Bailey.
Q What is your age? A I will be thirty-five in July; thirty-four now.
Q What is your post office address? A Faught, Texas.
Q How long have you lived there? A About sixteen years.
Q Where did you live before that? A Well, I lived in Cook County four years before that.
Q And where did you live before that? A Well, in Tennessee.
Q You were born in Tennessee? A Yes sir.
Q And went from Tennessee to Texas? A Went from Tennessee; was born on the line of Tennessee and Mississippi; went to Alabama two years and then to Texas; we lived in Lamar four years and moved to Cook County---- I have been in Texas altogether nearly twenty-four years.
Q You were born then on the line between Mississippi and Alabama?
A Yes.
Q Were you born in Mississippi or Alabama? A I was born in Tennessee.
Q And then you went to Alabama? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Willis A. Bailey.
Q What is your mother's name? A Sallie.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much? A One-eighth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.

#2.

- Q Do you know when and where your father and mother were married?
A They was married in Tennessee in, as well as I remember, about '60 or '61, that is, as well as I remember about the record.
Q Can you give the exact date of the marriage? A No, I cant.
Q Or the place? A No.
Q Were they married under a license by a minister? A They was married under a license but I don't know whether it was by a minister; I think though by a minister; I wouldn't say for certain.
Q Can you furnish proof of that marriage within a few days?
A Yes sir, I think I can. I would like to have as much as thirty days.
Q Couldn't you get along with fifteen days? How would twenty days do? A Can I get it in the shape of affidavits?
Q Well, any way you think best; you want proof of the marriage of your father and mother if you can? A I can do that; I have a sister that has enrolled here---Akers.
Q You mean she made application to be identified as a Mississippi Choctaw? A Yes sir.
Q What was her full name? A Mollie Akers. And one of the parties that knew our folks is living, and I want her case and mine to be tried together.

The case of Mollie C. Akers et al., H C R 8531, is here referred to for the purpose of consolidation.

- Q Have you other relatives who have also been before the Commission besides Mollie Akers? A No sir. I got a letter---my father and mother live in Oklahoma; I heard from them a few days ago and they said they were coming; I don't know whether they will be here or not.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mattie J. Bailey.
Q Is she living? A Yes.
Q And a white woman? A Yes.
Q You don't make any claim for her do you? A No.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you any children that you want to make application for?
A Yes, I have five.
Q Give me the name of the oldest? A Willis W.
Q How old is Willis? A Fourteen.
Q The next? A Lela L.
Q How old is Lela? A She's twelve.
Q Next? A Lucy A.
Q How old? A She's ten years old.
Q Next? A I have one Vivian V.
Q How old is Vivian V.? A She's six years old.
Q You claim for yourself and these children do you? A Yes sir; I have another one, a small one---Ruth.
Q Ruth? A Yes sir.
Q How old is Ruth? A Three years.
Q Is that all? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.

#3.

- Q Have you ever made application for citizenship for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to any authority whatever, before this application you are making now? A No, never have.
- Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes.
- Q Do you understand that article? A Well, I think I do.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt in any way to comply with article fourteen of the treaty of 1830? A Well, I think they did, from what this man Beatright said.
- Q Who is Beatright? A Bell Beatright he's a man lives at Gainesville.
- Q What relation to you? A He isn't any.
- Q What does he know about your ancestors? A Well, he says that my father's aunts received some scrip.
- Q Who did? A My father's aunts, and my father's mother.
- Q Your grandmother? A My grandmother received some scrip from the government for some land or something other.
- Q What is this Beatright's full name? A Bell Beatright.
- Q What is his post office address? A Gainesville, Texas.
- Q Why didn't you produce him before the Commission to testify in your case if he knows that your grandmother received scrip from the government? A I didn't know but what his evidence had been produced here. My sister wrote me that she had been before

the Commission; and there is an old lady---we call her Aunt Patsy---I have been trying to think of her name, but we called her that.

- Q Well this Bell Boatright that you say knows something about your grandmother, hasn't testified; his evidence doesn't appear in this application made by your sister Mollie C. Akers; what is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Bailey; and my father's mother her maiden name was Hammet.
- Q Your sister testified that Willis A. Bailey's mother was named Hammeck or Hammit or something like that? A My understanding is that it was Hammerick or something like that.
- Q What was the full name? A I don't know.
- Q You said that a man named Bell Boatright told you that your father's mother received scrip for land? A That's my understanding.
- Q Now can you give the full name of your father's mother?
- A No, I can not.
- Q Can you give any other information about your father and mother?
- A No.
- Q Did she or any of your Choctaw ancestors live in the old Choctaw Nation in 1830? A I think so.
- Q What makes you think so? A Well, from what I have been told, is my reason for it; of course I don't know it.
- Q Been told by somebody in the family? A Yes sir.
- Q Who told you that any of your ancestors lived in Mississippi in 1830? A Well, I don't know; and I told you I am basing this all on Boatright and this other-----
- Q Why don't you bring him here when you make application; are you going to try to get him before the Commission? A I want to get him before the Commission or get depositions; will that do?
- Q How long a time do you want in order to take his deposition?
- A Well, anything reasonable length of time; he's at Gainesville; all there would be to do is to send over there and take it.

Thirty days time from the date hereof is allowed this applicant in which to file any other evidence in support of this case if he desires.

- Q Give me the name if you can of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw, who lived in Mississippi in 1830? A Well, I can't give it.
- Q Can't you give that name? A No.
- Q Is your mother's name Sarah R. Bailey? A Yes, Sarah R. Bailey.
- Q You gave it as Sallie; your sister gave it in her application as Sarah R.; is that right? A Yes, it is Sarah R. Bailey.
- Q You claim through your father Willis A. Bailey do you?
- A Yes sir.
- Q Did he ever live in Mississippi? A I am not certain whether he ever did or not.
- Q Does he claim Choctaw blood through his father or mother?
- A Why, his mother is my understanding that he claims-----
- Q You don't know exactly what her name was? A No, I don't know; it was Hammerick, though, I think.

#5.

- Q How old is your father Willis A. Bailey? A He is sixty-four years old.
- Q Where was he born? A Tennessee, I think.
- Q What county? A Giles, I think, I won't be certain.
- Q Do you know where his father or mother were born? A No.
- Q Have you given all the information you can about your Choctaw ancestors? A Well, about all the information I have is that it's been considered, or thought that we was, by Boatright, and these people think so, that we are Choctaws; that is all that I can give you.
- Q Then you depend upon the testimony of Boatright whose name you have mentioned before, in order to prove you have Choctaw blood and also to prove that your Choctaw ancestors complied with article fourteen of the treaty of 1830, do you? A Yes, him and a lady---I can't think of her name now; we always called her Aunt Patsy; and I haven't been with my people any since I was eighteen years old.
- Q How do you expect that you can prove an application like this if you don't know anything yourself about your ancestor, and if you don't produce the witnesses before this Commission whom you say do know something about it; you are trying to get rights in the Choctaw Nation and you are trying to get a large number of acres of land and yet you come before the Commission totally unprepared; you don't know anything about it and you bring no witnesses; do you propose to try to get those witnesses before the Commission? A I want to get them or the depositions; they are both very old; I don't know how it would be about getting them here. Yes, I propose to get them here.
- Q I have already stated to you Mr. Bailey that you will be allowed thirty days time in which to take the depositions of these parties and also to introduce any other testimony you may want to present here in support of your claim, and as you are not represented by an attorney the Commission would suggest that you endeavor to do something about this if you are earnest about it, and try to prove your claim. Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land or claim any in Mississippi or Alabama in the old Choctaw Nation in the year 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? Never heard of that? A No.

The Mississippi Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the

United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward, the Agent, neglected to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements; the government took them from them and sold them at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by an act approved March 3rd of that year, a Commission was appointed, which Commission went to Mississippi and heard these claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose; this Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article of that treaty of Dancing Rabbit Creek? A None that I know of.

The act of Congress of August 23, 1842, provided: That if any Choctaw Indians had held land in Mississippi and had gone to Colonel Ward and he had failed to take their names and afterwards their land was taken and sold, that they should have certificates which would entitle them to select vacant government lands in Mississippi, Alabama, Louisiana or Arkansas, to take the place of this land taken from them and sold by the government. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Well, I suppose so.
 Q That's what Beatright says? A Yes sir.
 Q There, again, we would suggest that if you have any witnesses that know anything about your case that you should endeavor to get that testimony before the Commission. Have you any other relatives who have been before the Commission except Mollie G. Akers your sister? A None that I knew of.
 Q Do you understand or speak the Choctaw language? A No.
 Q Is there anything more you want to say in support of your claim?
 A Well, would it be necessary for me to have my father's affidavits sent here as to how my mother and him were married, by a preacher?
 Q I would suggest that you get the proof of the marriage of your father and mother either a certified copy of the marriage license and certificate or the affidavits of two or more witnesses who were present at their marriage? A Well, a certified copy would be all right?
 Yes sir, it would be sufficient.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, almost black; dark mustache, little bit


#7.

brown; brown eyes; medium dark complexion; doesn't understand or speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McKillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 31st day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 10 day of June, 1902.



Notary Public.

COPY.

Muskogee, Indian Territory, April 10, 1903.

Caleb D. Bailey,
Faught, Texas.

Dear Sir:

You are hereby advised that on the 10th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Willis A. Bailey, et al., embracing the following applications for identification as Mississippi Choctaws:

Willis A. Bailey	M C R 6214
Caleb D. Bailey, et al.,	" 5738
Mollie C. Akers, et al.,	" 5531
Rhunie Lewis, et al.,	" 6215
Gordie Bates, et al.,	" 6249
William T. Bailey, et al.,	" 6310

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other work necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wil-

Caleb D. Bailey 2.

lis A. Bailey, Caleb D. Bailey, Willis W. Bailey, Lela L. Bailey, Lucy A. Bailey, Vivian V. Bailey, Ruth Bailey, Mollie C. Akers, Ora Akers, Essie Akers, Dennis Akers, Rhunie Lewis, Vinos Devon Lewis, Cuba Lee Lewis, Gordie Bates, Charlie Davis Bates, Effie V. Bates, William T. Bailey, William T. Bailey (Jr.), Adolphus D. Bailey and Charlie A. Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Bailey
Chairman.

Registered.

U. S. L. 5730.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Caleb D. Bailey,
Faught, Texas.

Dear Sir:-

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis A. Bailey et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

45 No. 5738

For Identification as a Mississippi Choctaw.

Date MAY 31 1902

Name Caleb D. Bailey

Age 34, Blood '18

Post-Office, Faught, Texas.

Father: Willis A. Bailey, l.

Mother: Sarah R. — l.

Claims through father —
wife Mattie J. Bailey, l. w.
No claim for wife

Children:

Willis W. Bailey,	14
Lela L.	12
Lucy A.	10
Vivian V.	6
Ruth	3

Claims for self &
children —

Stenographer A. G. McMillan.

Choctaw MCR 5739

Isaac N. Bailey

MCR 5739

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac N. Bailey, et al., for identification as Mississippi Choctaws, M.C.R. 5739.
List of papers forwarded to the Secretary of the Interior comprising the record in the case of Isaac N. Bailey, et al.

	(Page)
Original application of Isaac N. Bailey, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of I. G. Bailly.....	2
Affidavit of J. G. Dickinson.....	2
Affidavit of Jack Madison.....	2
Decision of the Commission refusing the application of Isaac N. Bailey, et al., for identification as Mississippi Choctaws...	10

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 31st, 1902.

#5739

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In the matter of the application of Isaac N. Bailey for the identification of himself and his minor sister, Mary Bailey, as Mississippi Choctaws.

S. W. Isaac attorney for applicant.

Isaac N. Bailey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Isaac N. Bailey.
Q What is your age? A Twenty-four.
QC What is your post office address? A Argenta, Arkansas, #216 East Taylor Avenue.
Q How large a place is Argenta? A Well, Argenta is the north part of Little Rock.
Q Post office is Argenta? A Yes sir.
Q How long have you lived there? A I have lived there in Argenta about five years.
Q Where were you born? A Bolivar County, Mississippi.
Q How long did you live in Mississippi? A I left Mississippi in '90. I lived in Mississippi all my life until then.
Q Then you went where? A Then I came over in Arkansas.
Q Is your father living? A No sir, He's dead.
Q Is your mother living? A No sir, she's dead.
Q What was your father's name? A He was named Joel W. Bailey.
Q What was your mother's name? A She was named Ophelia Bailey.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much do you claim? A One-fourth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Well, not my father; he was born and raised in Mississippi, but my grandmother--his mother--was recognized as a full blood Choctaw Indian.
Q In Mississippi? A Yes sir.
Q Recognized by the people that knew her? A Yes sir.
Q Was your father ever a slave? A No sir, they was owned but they wasn't worked.
Q They were slaves but not worked; why wasn't they worked?

#2.

- A I don't know; I guess because the white people thought too much of them.
- Q Were they both owned by the same master? A My father and mother?
- Q Yes? A No sir, my mother came from Louisiana; she is mixed with Creek Indian a little, but I don't know how much.
- Q Your mother had some Creek Indian blood? A Yes sir.
- Q She came from where? A Louisiana.
- Q Well now did the same master own both father and mother?
- A No sir, two different masters.
- Q Did your father live in Mississippi? A Yes sir, all his life, but when he died he died in Arkansas and was buried right opposite Bolivar County in Arkansas City.
- Q Were your father and mother freedmen during the war at Emancipation? A Yes sir, they was freed at that time.
- Q Are you married? A No sir.
- Q You claim for yourself alone do you? A Yes sir, I have got two sisters full blood.
- Q Are they of age? A One's of age and the other is not; she lives with me and I takes care of her.
- Q How old are you---twenty-four? A Twenty-four.
- Q Does she live with you at your home? A Yes sir, lives with me.
- Q You say she's nineteen? A Yes sir, the youngest one; the other is of age.
- Q The other one is of age? A She's of age and married, of course that changes her name.
- Q Well, your sister's father and mother are both dead? A Yes sir.
- Q Is she your full sister? A Full blood sister by mother and father.
- Q What is her name? A Mary Bailey.
- Q How old is she? A Nineteen.
- Q Not married is she? A No sir, she isn't married.
- Q You claim for your sister through the same source that you claim for yourself do you? A Yes sir.
- Q And you claim one-fourth for her do you? A Yes sir.
- Q She lives with you at your home and you are supporting her?
- A Yes sir.
- Q How long have you been doing so? A Well, for about three years.
- Q Does she keep house for you? A Yes sir.
- Q You are not married? A No sir, I am not married; never has been.
- Q Have you the proof of the marriage of your father and mother with you? A No sir, I haven't got it with me, only the affidavits stating that they are my father and mother.
- Q Do you know when and where they married? A I don't know exactly when, but they were married in Mississippi in Bolivar County.
- Q Well, that was some time before the war wasn't it? A No sir, since the war.
- Q Since the war? A Yes sir.
- Q Were they living together before the war? A No sir, my mother was only thirty-four when she died.

#3.

- Q When did she die? A 1889, June 10.
- Q Where was it? A She died at Lamont, Mississippi, in Bolivar County.
- Q Is your name or the name of your sister on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, no sir. We never registered before.
- Q Have you ever made application for yourself and sister for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A To-day for the first time.
- Q You never made application to the Dawes Commission under the act of Congress of June 10, 1896, for citizenship for yourself and sister? A No sir.
- Q This is the first application that you have ever made?
- A Yes sir.
- Q And the first that has ever been made for your sister Mary?
- A Yes sir.
- Q Have you ever been admitted to citizenship or has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
- A No sir.
- Q Do you now come before the Commission to identify yourself and your sister Mary as Mississippi Choctaws? A I do, yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A Well, yes sir, I think I understand it. You said it to me and I read it over time and again.
- Q You don't care for any further explanation? A Well, you might explain it, but I have read it over again and again.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of that treaty was to get all of the Choctaw Indians to go from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and therefore in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citi-

#4.

zens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

By the applicant:

Well Judge will you allow me to ask you a question; they not allowed that unity, what was that?

By the Commission:

Annuity, that means a money payment that was made to Indians that first came to this country.

By the Commission:

Removed from Mississippi at any time since the treaty was made--if they didn't come with the other Indians, but agreed to come under the treaty, they might have rights to lands in the Choctaw Nation, Indian Territory, but they wouldn't get any annuity money payments.

By the applicant:

Well would they get any money at all?

By the Commission:

Well, they wouldn't get any of this annuity payments; they would get all the other rights of Choctaw citizenship.

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?
- A Well, from what my father---from what I learned from him, and mother told us children about it---my grandmother did--his mother, her name was Virginia Schitaly.
- Q Who do you claim through? A Virginia Schitaly, that was her name before she married.
- Q Who did she marry? A Perry Bailey.
- Q What was he, a negro? A He was a negro---about one-fourth Creole.
- Q How much Choctaw blood did Virginia Schitaly have? A She had full blood; she was a full blood Indian; Choctaw Indian; Mississippi Choctaw Indian.
- Q That is your grandmother you say? A Yes sir.
- Q Was she a slave? A No sir.
- Q This is your father's mother? A Yes sir.
- Q Well how did your father become a slave if his mother was free?

#5.

- A Well, I don't know sir, I guess through his father Perry, he was a negro; I cant say that he was a slave but they lived there in Mississippi, and the younger children---her children was owned or supposed to be owned--you know these people could say anything they want--but they got pay for what they done.
- Q Well how could they be owned if they got pay for their work?
- A I don't know, but that's what these people say---old Colonel Dickinson there is a lawyer about eighty-five years old; he knew them when they worked.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A From what my father said and taught us children, why, my grandmother, or Virginia Schitzly, she owned land or had a claim there on a portion of land, but how it got away from her I don't know.
- Q Where was that land located? A In Mississippi.
- Q Whereabouts? A On the east side of the Mississippi river.
- Q How much land was it? A I don't know sir.
- Q Did she buy it herself? A I think she got it from the United States or they gave it to her; she was in the Indian Nation there.
- Q How do you know that? A Well, I know it by the testimony of the witnesses that I have--Colonel Dickinson and Jack Madison.
- Q Why don't you get those witnesses before the Commission; what you know don't amount to anything unless you get that evidence properly before the Commission? A Well, I had them all to swear to affidavits.
- Q Where is the affidavit, this? A Yes sir, the seals is all on there; all the seals of the Notary Publics.
- Q There is nothing in this affidavit that you refer to of Dickinson that says anything about land at all? A No sir, he didn't speak anything of land, that is just his testimony; he knew more but didn't know whether to write it or not.
- Q Jack Madison's affidavit doesn't state anything about any land?
- A No sir.
- Q Do you want to introduce these affidavits? A Yes sir.

Affidavit of I. G. Bailey presented by this applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

Affidavit of J. G. Dickinson received, filed, marked Exhibit "B" and made a part of the record in this case.

Affidavit of Jack Madison presented by this applicant, received, filed, marked Exhibit "C" and made a part of the record in this case.

- Q Did your grandmother Virginia lived in Mississippi or Alabama in 1830? A In Mississippi in 1830.
- Q Was she the head of a family there then? A Yes sir, had a family of children at that time; I cant give the name of them.
- Q And your father was one of them? A Yes sir, he was her youngest son---my father.
- Q Did he other children become slaves? A Well, they was always worked but from the statement that Colonel Dickinson gave, they was paid for it.

#3.

- Q Well Colonel Dickinson isn't here to testify; why didn't you bring him up here or else get a statement in that affidavit?
No answer.
- Q A little while ago you said that your father and mother were owned by somebody but were not worked? A Yes sir.
- Q Now you say they worked but got paid for it? A I said they was worked and got paid for it.
- Q Well, your first statement was that they was not worked and I asked why not and you said because white folks liked them so well? A I thought I said they was worked but got paid for their work.
- Q Well your evidence will show that they were not worked----were worked but not owned as slaves.
- Q I wish you would explain to me how it is that they could be owned by somebody and not worked as slaves, or why, if they was not? No answer.
- Q Don't you think it is worth your while in making this application before the Commission to get such testimony before the Commission in a proper way; you shouldn't testify to what somebody told you about this? No answer.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830?
A Not as I know of. From what my father said my grandmother owned a portion of land there or had a claim there in the Choctaw Nation in Mississippi as a Mississippi Choctaw Indian.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not as I know of.
- Q Do you know anything about the husband of Virginia, your grandmother? A Yes sir.
- Q Was he a free man? A Yes sir.
- Q Was he a negro? A Yes sir.
- Q How do you know he was free? A Just by what they say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir, not as I know of.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. The Agent's neglect in this respect caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that two Commissions were appointed, one in 1837 and the other in 1842; these Commissions went to Mississippi and

#7.

- heard claimants under article fourteen of the treaty of 1830.
- Q Do you know whether any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842, and claimed any benefits as Choctaw Indians? A No sir, I don't know whether they did or not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? I mean a certificate, now? A I understand; well, no sir, I don't know anything of that only as I first stated; she claimed to have some land in the Territory there in Mississippi; she claimed to have a place there.
- Q You never heard anything about this scrip business? A No sir.

This scrip was distributed to Choctaw Indians who proved their right under article fourteen, and also proved that they used to have land in Mississippi which the government had taken from them and sold.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A I have relatives, but they haven't been here.
- Q You are the only one of your family? A Yes sir.
- Q And you have no kin that has been here? A Not to my knowledge.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence that you want to present now to the Commission? A No sir, I have none other.

Here S. W. Isaacs, attorney for applicant, asks that thirty days time be allowed for the introduction of additional testimony in this case.

By the Commission to attorney Isaacs:

- Q Mr. Isaacs, couldn't you get along on twenty days time? A I might, but I want to take depositions.

Thirty days time is allowed, on motion of the attorney for this applicant, upon his statement that depositions will be taken in this case.

By attorney Isaacs to applicant:

- Q What was your grandmother's name? A Virginia Schitzly.
- Q Did you state that she was a full blood Choctaw Indian? A Full blood Choctaw Indian.
- Q She's dead? A She's dead.
- Q Have you any knowledge as to the date of her death? A No sir.
- Q About how old was she when she died? A They said that grandmother was eighty-nine years old.
- Q That's your impression? A No, father said that.
- Q Was she living in Mississippi in the year 1830? A Yes sir.

By the Commission:

- Q You don't show any Choctaw blood do you? A Sir?

#8.

Q Do you think you look as though you had Choctaw blood?

A Well you see I am mixed with nigger and that spoils the look.

This applicant has the appearance and all of the physical characteristics of being descended from a negro; he claims one-fourth Choctaw blood but he doesn't show Choctaw blood; the negro blood is very prominent; his hair is curly; features are broad, quite dark. He doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 1st day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of June, 1902.

Charles D. Sawyer
Notary Public.

179
C.V.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac N. Bailey, et al., for identification as Mississippi Choctaws, M.C.R. 5759.

--- DECISION : ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Isaac N. Bailey for himself, and his minor sister Mary Bailey, under the following provision of the act of Congress approved June 20, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under Article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Virginia Bailey, nee Schitzly, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Virginia Bailey, nee Schitzly, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Isaac H. Bailey and Mary Bailey, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

James Dixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 2 1902

COPY.

M.C.R. 5739.

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac N. Bailey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac N. Bailey and Mary Bailey, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W.M.G.W.

Tamo Dixby.

Acting Chairman.

COPY.

M.C.R. 5739.

Muskogee, Indian Territory, December 3, 1902.

S. W. Isaao,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaao N. Bailey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaao N. Bailey and Mary Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

S.W. I. #2.

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James G. Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 3, 1902.

Isaac N. Bailey,
Argenta, Arkansas.

*Remitted. Hancock Ark
May 20. 1903.*

Dear Sir:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac N. Bailey, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac N. Bailey and Mary Bailey, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

I.B. #2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tamr Dixie.

Acting Chairman.

Registered.

100PM

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Isaac N. Bailey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc.: M.C.R.5739.

COMMISSIONER IN CHARGE.

Acting Chairman

Muskogee, Indian Territory, January 12, 1903.

Isaac H. Bailey,
Baucum, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th ultimo, in which you make certain statements regarding your ancestors and ask to be advised the present status of your case.

In reply to your letter you are informed that it appears from the records of the Commission that on May 31, 1901, you made application for the identification of yourself and minor child as Mississippi Choctaws. On December 3, 1902, the Commission rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision in which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted you expired on December 18, 1902, and on December 19, 1902, the record in your case, together with the decision of the Commission refusing your application for the identification of yourself and minor child as Mississippi Choctaws, was forwarded to the Secretary of the Interior.

I. N. B.---2

You will be duly notified of such action as may be taken by him.

The letter notifying you of the action of the Commission was addressed to you at Argenta, Arkansas, the post office address given by you at the time you made application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 9, 1903.

I. M. Bailey,

Bainum, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1902, in which you state that you are sick and unable to travel, and ask for an extension of time within which to introduce evidence in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on December 3, 1902, the Commission rendered its decision refusing the application for the identification of yourself and your minor children as Mississippi Choctaws, and on the same date you were duly notified of the action of the Commission, and were advised that you would be allowed fifteen days within which to file arguments to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. On December 19, 1902, the fifteen days theretofore granted having expired, the record in your case was forwarded to the Secretary of the Interior.

Pending Departmental action in this case the Commission can not receive any further evidence.

Respectfully,

Acting Chairman.

(C O P Y)

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75917-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Isaac N. Bailey, for himself and his sister Mary Bailey, wherein a decision adverse to their claims was rendered by the Commission on December 3, 1902.

It appears from the evidence in this case that the applicants make their claim to identification by reason of their descent from Virginia (Schitzly) Bailey, who, it is claimed, was a citizen of the Choctaw Nation and resided in the State of Alabama or of Mississippi in 1830.

The Commission bases its decision rejecting these parties on the ground that its records do not show that Virginia Bailey nee Schitzley, or ancestors less remote, ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that the name of Virginia (Schitzly) Bailey is not

-:- 2 -:-

included in list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

(C O P Y)

D.C. 7642.

ITD.1744-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.

EAF.

W A S H I N G T O N .

March 16, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Isaac N. Bailey and his minor sister, Mary Bailey, including your decision of December 3, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Virginia Bailey (nee Schitzly), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Virginia Bailey complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 14, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has reviewed the whole record and found no reason to disturb your decision; it is accordingly affirmed.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

M.C.R. 5739

Muskogee, Indian Territory, March 24, 1903.

S. W. Isaacs,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Isaac N. Bailey, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

Tame Dixie
Chairman

Muskogee, Indian Territory, March 24, 1903.

Isaac N. Bailey,
Baucum, Arkansas.

Dear Sir:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Isaac N. Bailey, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

James Dixie
Chairman.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Isaac H. Bailey, et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED).

Tame Dixie
Chairman.

For Identification as a Mississippi Choctaw.

Date MAY 31 1902

Name Isaac N. Bailey

Age 24 - Blood 1/4

Post-Office, Argenta, Ark.

Father: Joe Winston Bailey, d. 216 East Taylor Ave.

Mother: Cephelia - - - d

Claims through father - - -

Children: Sister -

Mary Bailey - 1/4 19

Claims for self and
sister

Stenographer A. G. M. Mullan -

- McKoy, D.

June 26, 1902

Account of the Commission to the Incivilized
Tribes (See copy of the testimony of Isaac N
Bailey in the matter of the application
for the identification of Lemuel and family
as Mississippi Choctaw)

J. H. Isaac

Choctaw MCR 5740

Gus Mitchell

See MCR 5683

MCR 5740

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 2nd, 1902.

#5740

-----oOo-----

In the matter of the application of Gus Mitchell for the
identification of himself as a Mississippi Choctaw.

Graham & Dubois, attorneys for applicant.

Gus Mitchell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Gus Mitchell.
Q What is your age? A Twenty-nine.
Q That is past, is it? A Yes sir.
Q What is your post office address? A Hartshorne.
Q Indian Territory? A Yes sir.
Q How long have you lived at Hartshorne? A Lived there ten
years I believe.
Q Where did you live before that? A Skullyville.
Q Indian Territory? A Yes sir.
Q How long have you lived all together in the Indian Territory?
A I have lived about twenty-eight years.
Q Where did you live before that? A Arkansas.
Q You lived all but one year of your life in Indian Territory?
A Yes sir.
Q And you were born where? A Sebastian County, Arkansas.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Jesse Mitchell.
Q What is your mother's name? A Becky Mitchell.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A About one-sixteenth.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No sir.
Q Have you the proof of the marriage of your father and mother
with you now? A No sir, I haven't.
Q Do you know when and where they were married? A They was
married in Arkansas I believe.
Q At what place in Arkansas? A Lived in a place by the name of
Leadhill.
Q Do you remember the day of the month and year? A No sir, I
do not.

#2.

Q Could you present proof of the marriage of your father and mother to the Commission within a week do you think?

A I don't know.

You will be given a little time in which to do so, not to exceed two weeks, and also the same time for the introduction of other testimony.

By attorney:

Could you make it thirty days?

By the Commission:

If you need more time make a request to the Commission.

By the Commission to applicant:

Q Are you married? A No sir.

Q You claim for yourself alone do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever before this present application sought to become enrolled as a Choctaw Indian by making such application either before the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A No sir.

Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article; if you don't understand it, it will be explained to you? A Yes.

Q You think you understand it; would you like to have it explained more fully or not; do you want it explained? A No sir,

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each un-

#3. married child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You think you understand that article do you? A Yes sir.
 Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830; did any of your ancestors, I mean your grandparents or great-grandparents, whoever you claim your Choctaw blood through, comply with that article; you don't know? A No sir.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Folsom.
 Q What is the first name; give the name if you can remember; is this a man or a woman? A Woman.
 Q What relation to you? A Great-grandmother.
 Q You don't remember the Christian name? A Not at present.
 Q How much Choctaw blood did she have? A Half, I think.
 Q Did she live in the old Choctaw Nation in Mississippi or Alabama? A Yes sir.
 Q Did she have a family of children there in 1830? A Yes sir, I suppose so.
 Q Where did she live, in Alabama or Mississippi? A In Mississippi.
 Q Where in Mississippi, do you remember the place? A I don't remember.
 Q What makes you think she was the head of a family in 1830; somebody tell you so in the family? A Yes sir.
 Q Who told you so? A My father and grandmother.
 Q You claim through your father Jesse Mitchell; has he ever been before the Commission? A Yes sir.
 Q When was he before this Commission to be identified as a Mississippi Choctaw? A Last Tuesday.
 Q Sometime during the month of May? A Yes sir.
 Q Under what name? Jesse Mitchell? A Yes sir.
 Q Did he have a middle initial? A No sir.
 Q You want to refer to your father's application do you not, No. M C R 5682, and have it made a part of your application? A Yes sir.
 Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir, my uncles.
 Q You would like to have the applications made by them considered with yours, who claim through the same common ancestor Folsom? A Yes sir.
 Q Have you thought of that name yet? A Alaira Mitchell.
 Q What was her maiden name? A Folsom.
 Q And she married a Mitchell? A Yes sir.
 Q What did you say the name of the husband of Alaira Folsom was? A Sam Mitchell.
 Q Was he a white man? A Yes sir.
 Q Did she live in Mississippi in 1830 and have a family of children there then; I am talking about Alaira Mitchell; do you

#4.

know? A I don't know.

Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states; did you ever hear of that? A No sir, I believe not.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830?

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838?

A I don't know.

Q Did any of them own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A I don't know.

Q You claim through your father who has made application himself to be identified as a Mississippi Choctaw, No. M C R 5682?

A Yes sir.

Q Now, he claims through whom, his father or mother? A How?

Q He claims through his father or mother, which? A Father.

Q What was his father's name? A W. C. Mitchell.

Q Did he live in Mississippi or Alabama at any time? A Yes sir, I think he used to live in Mississippi.

Q Do you know if he lived there in 1830? A I don't know.

Q He claimed through which parent, his father or mother; I am talking about W. C. Mitchell now; did he claim through his father or mother? A Through his mother I suppose.

Q Is that Alsira? A Yes sir.

Q Who married Sam Mitchell? A Yes sir.

Q Now do you know whether Alsira Mitchell was living in the old Choctaw Nation in Mississippi in 1830 and whether her son W. C. was living with her then and other children? A I think so.

Q You think that you have heard then have you that Alsira Mitchell was living in the old Choctaw Nation in Mississippi in 1830, and that her son W. C. was living with her then? A I don't know.

The Indians who lived in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were obliged, if they wanted to take advantage of that article of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register; and his failure to do this caused a great many Indians who had land in Mississippi upon which they had improvements, to lose them both; they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress

#5.

for the same purpose, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Now here's the question: Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any benefits as Choctaw Indians under that article of that treaty? A Not as I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas; ever hear of that?
- A No sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to all Choctaw Indians who proved their claim under article fourteen, and also who proved that they had had land in the old Choctaw Nation which the government had taken from them and sold.

- Q Have you any knowledge of the Choctaw language yourself?
- A No sir.
- Q You don't understand or speak it? A No sir.
- Q Have you any other evidence that you want to present at this time? No answer.

By attorney:

The applicant here asks thirty days time.

By the Commission:

I have allowed thirty days.

By the attorney:

The requirements of the Commission provide that when depositions are taken interrogatories stay in the office twenty days.

By the Commission to attorney:

- Q You think you will take depositions? A Yes sir.

By the Commission:

Thirty days allowed for the taking of depositions and the introduction of any other proper evidence he desires to offer in support of this application.

This applicant has the appearance and physical characteristics of being a white man from white parents; blue eyes, medium fair complexion, brown hair, he doesn't understand the Choctaw language and has never heard of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

#6.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10th day of June, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, July 14, 1904.

Geo Mitchell,

Hartshorne, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell-et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Dixey.
Chairman.

Registered.

M.C.R.-5740:

COPY.

Muskogee, Indian Territory, May 2, 1906.

Gus Mitchell,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

No. 5740

For Identification as a Mississippi Choctaw.

Date

19

Name Gus. Mitchell.

Age 29 Blood 1/16

Post-Office, Hartsboro, I.T.

Father: Jure Mitchell. l.

Mother: Becky .. l.

Claims through father - -

~~Chapman:~~

Claims for sep alone

Stenographer A. L. McMillan -

Choctaw MCR 5741

Jennie Mitchell

See MCR 5683

MCR 5741

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 2nd, 1902.

#5741

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In the matter of the application of Jennie Mitchell for
the identification of herself as a Mississippi Choctaw.

Gresham & Dubois attorneys for applicant.

Jennie Mitchell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jennie Mitchell.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Wister Junction.
Q Is that in the Territory? A Yes sir.
Q How long have you lived at Wister Junction? A Ten years.
Q How long have you lived in the Indian Territory? A All my life.
Q Where were you born? A Born in Sugar Loaf County.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Richard Mitchell.
Q What was your mother's name? A Hetty Mitchell.
Q Through which parent do you claim Choctaw blood? A Father's side.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you now? A No sir, I haven't.
Q Do you know when and where they were married? A Yes sir, I know where I heard they were married; they were married in Boone County, Arkansas.
Q Do you know the date of the month or year? A No sir, I do not.
Q You are not married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I don't think it is.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

#2.

- Q This is the first application that you have ever made of any description? A Yes sir.
- Q You never have made application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Then you have never been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I don't know, hardly.
- Q Do you think you want to have it explained? A I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It was made on the 27th day of September, 1830. The object of the treaty was to remove, as far as practicable, all of the Indians in the Choctaw Nation from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Now do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't know.

#3.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; I want the name of this Indian that you are claiming through, going back as far as you can? A My great-grandmother.
- Q What was her name? A Her name was Alzira Mitchell.
- Q Her maiden name was Folsom wasn't it? A Yes sir.
- Q What was her husband's name? A Her husband? Sam Mitchell.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did you ever hear how much Choctaw blood she did have, or don't you remember? A No sir, I don't remember.
- Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830? A Yes sir, so I heard.
- Q Where did she live, in Mississippi or Alabama? A I don't know just where.
- Q How do you know she lived in that old Choctaw Nation? A I have been taught that.
- Q Who told you? A My uncles and cousins.
- Q Did you ever hear that Alzira Mitchell lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then, that is, had children living there in 1830, seventy-two years ago? A Yes sir.
- Q You heard that did you? A Yes sir, I heard it.
- Q Who was W. C. Mitchell? A He was my grandfather.
- Q Alzira Mitchell's son? A Yes sir.
- Q Did he live in Mississippi in 1830, that is, was he a child living there then? A I suppose so.
- Q Your father claimed his Choctaw blood through which parent, father or mother? A His father.
- Q What was his father's name? A My father's father's name was W. C. Mitchell.
- Q And his mother's was Alzira? A No, his mother's name was Nancy Mitchell; Alzira is my great-grandmother.
- Q Alzira had a daughter Nancy? A No, she had a son W. C.
- Q And he had a daughter named Nancy? A No.
- Q Where does Nancy come in? A Nancy is W. C. Mitchell's wife.
- Q She didn't have any Choctaw blood did she? A No, she didn't, but grandfather---
- Q W. C. Mitchell---And W. C. Mitchell had a son named Richard, your father? A Yes sir.
- Q Did your father live in Mississippi? A Yes sir.
- Q And his father did? A His father did. Then there is another W. C. Mitchell at South McAlester, brother to my father.
- Q He has made application has he not to be identified as a Mississippi Choctaw? A Yes sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Well, I don't know that of course.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi, that they wanted to take land there and become citizens of the states? A I don't know.
- Q Did any of them go from the Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A That's too far back.

#4.

- Q Never heard that? A No, don't know that far back.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, did you ever hear?
A I never did hear.
Q What's that? A No sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. At least 6000 Indians stayed back in the old Choctaw Nation, while Ward's Register contains only the names of 71 heads of families out of that number. His neglect to put their names upon his list caused a great many Indians who had land in Mississippi upon which they had improvements, to lose both their land and improvements; they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, as well as in 1842, Commissions were appointed by various acts of Congress. These Commissions went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under that article fourteen of that treaty? A No sir.
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which had been taken from them by the government in the old Nation and sold? A Well, I don't know that.
Q Who is Jesse Mitchell; what relation to you? A He's an uncle.
Q Your father's brother? A Yes sir.
Q He's made application hasn't he to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have his case and the cases of all other relatives who appear for identification before the Commission claiming through the same common ancestor with you, consolidated with your case? A Yes sir.

The case of Jesse Mitchell, M C R 5682, is here referred to for the purpose of consolidation.

By the applicant:

I have a brother that has been before the Commission.

By the Commission:

- Q Who? A Charles D.
Q What relation is Gus Mitchell who has just been before the

#5.

Commission? A Cousin.

Q Do you speak or understand the Choctaw language? A No sir.


Q Is there anything more you want to testify now in support of this claim? A No, I don't know as there is. anything more that I can do.

Q Do you desire any time in which to introduce depositions in this case; do you want time in which to get further testimony in the form of depositions? A I don't know.

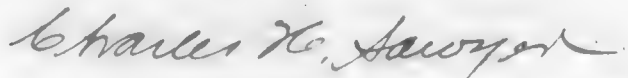
Thirty days time is allowed this applicant in which to furnish other evidence if she desires in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has blue eyes, brown hair, medium dark complexion, she doesn't understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 10 day of June, 1902.



Notary Public.

M.C.R. 5741
COPY.

Muskogee, Indian Territory, July 14, 1904.

Jemie Mitchell,

Wister, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R.-5741.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Jennie Mitchell,

Wister, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

5741

For Identification as a Mississippi Choctaw.

Date

JUN 1902

Name

Jennie Mitchell

Age

27

Blood

7/16 -

Post-Office.

Wister Junction, D.T.

Father:

Richard Mitchell, d

Mother:

Hetty " d

Claims through

father

Children:

claims for me
alone

Stenographer

L. A. McKeen

Choctaw MCR 5742

Quincey E. Powell

MCR 5742

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Quincey E. Powell,
for identification as a Mississippi Choctaw, M. C. R. 5742.

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of

Quincey E. Powell.

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Decision of the Dawes Commission, refusing the application of Quincey E. Powell, for identification as a Mississippi Choctaw,.....	9

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 2nd, 1902.

#5742.

-----806-----

In the matter of the application of Quincy M. Powell for
the identification of herself as a Mississippi Choctaw.

Applicant not represented by attorney.

Quincy M. Powell, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name? A Quincy M. Powell.
Q What is your age? A Forty-four.
Q What is your post office address? A Buck.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A I have lived there at Buck
now three years; I lived seven miles this side of Buck seven
years.
Q How long have you lived in the Territory altogether? A I have
been here now about sixteen years.
Q Continuously, all the time? A Yes sir.
Q Where did you live before you came to the Indian Territory?
A Well, I was born in the Territory, and when I was between four
and five years old I went to Texas and from there to Mississippi
and to Alabama and back to Mississippi and back to the Terri-
tory and been here ever since.
Q Been here ever since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Nelson Fry.
Q What was your mother's name? A My mother's name was Sophia
Fry.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A He was full blood.
Q How much Choctaw blood do you claim? A Half. My mother was
a white woman.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A Well, I couldn't tell you; I suppose he was; he came
here from Mississippi with the Choctaws.
Q You don't know whether he was ever recognized or not?
A No sir, I couldn't tell you.

#2.

- Q By recognized I mean recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians?
- A He came here from Mississippi.
- Q Do you know what year? A '35 I think.
- Q Do you know when and where your father and mother were married?
- A He sir, I don't, somewhere about Skullyville, Indian Territory.
- Q You don't remember the day of the month and year? A No sir.
- Q Are you married? A No? Yes sir.
- Q What is your husband's name? A Sam Powell.
- Q He's living and a white man isn't he? A Yes sir.
- Q And you don't make any claim for him? A No sir, not if it aint in keeping with the law.
- Q There is no authority to enable the Commission to identify any person who hasn't Choctaw blood; there is no identification by intermarriage? A Well, he hasn't any Choctaw blood in him at all.
- Q Have you any children? A No sir, I have no children.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896?
- A No sir, I never have.
- Q You never have been admitted then to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is your first application of any kind? A Yes sir.
- Q You now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand article fourteen of that treaty? A Well, I don't know that I do well enough to explain it.

The treaty of 1830 was sometimes called the treaty of "Dancing Rabbit Creek," because it was made in Mississippi on the 27th day of September at a place by that name. The object of that treaty was to induce all of the Choctaw people to remove from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before that treaty was signed it became known, however, that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each wo-

#3.

married child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that now well enough to claim under it?
 A Yes sir, I think so.
 Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article or attempted to?
 A No sir, I couldn't tell you.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Belam Fry.
 Q Did he live in Mississippi in 1830? A Yes sir.
 Q How old would he be if living now? A He would be somewhere about sixty or sixty-five.
 Q If that was all he would be he couldn't have been living in Mississippi in 1830? A Well, he must have been older than that for Aunt Sallie said he must have been about twenty years old when he came here.
 Q Was he married when he came here from Mississippi? A No sir.
 Q He was a boy? A Yes sir, a young man.
 Q How old do you think he was? A He died in '75.
 Q How old was he when he died? A I couldn't tell you.
 Q Is it a matter of family history that your father was a boy living in Mississippi in 1830? A Yes sir.
 Q And that in Mississippi in 1830 and when a boy he left the old Choctaw Nation with the other Indians about 1835 and came to the Territory? He answer.
 Q What was his father's name? A I don't know.
 Q What was his mother's name? A I don't know.
 Q It wouldn't have been your father Belam Fry who was the head of a family in 1830? A He was single then for he was married after he came here.
 Q Therefore he claimed his Choctaw blood through his father or mother who was the head of a family in 1830; do you know through which parent he got his Choctaw blood? A I don't know.
 Q He was full blood you said? A Yes sir.
 Q Then he must got his Choctaw blood through both father and mother? A Yes sir.
 Q Are you sure that he was full blood? A I wouldn't be sure.
 Q Do you know whether both his parents were full blood? A No sir.
 Q Your testimony fails to cover this important point; what the Commission wants to know is this: Who is your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi or Alabama in 1830, and who had a family there then, that is, who was the head of a family there then, as article fourteen expresses it, and further, did that ancestor comply or attempt to comply with the provisions of article fourteen of the treaty of 1830; these are the points that you should testify to; can you do that?
 A No sir, I cant, for I didn't know his parents.

#4.

- Q Do you know whether any of your Choctaw ancestors owned any land or claimed any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, I don't.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Well, I couldn't tell you that either; I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I can't tell you.
- Q You stated that your father did come? A But I can't tell you anything about his parents.
- Q Now do you know whether your father came to the Choctaw Nation from Mississippi under the expense of the government or not? A No sir.
- Q Who did you say a little while ago he came with? A Adam Morris.
- Q Who was Adam Morris? A They all told me that he was the leader of the Choctaws that came.
- Q Do you know where your father located when he reached the Territory? A No sir.
- Q He died in '75? A Yes sir.
- Q Do you know where he died? A Died somewhere west of Caney Switch---between Caddo---somewhere down there.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I couldn't tell you.

In 1837, as well as in 1842, under various acts of Congress, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because these Choctaw Indians who lived in the old Choctaw Nation after the treaty of 1830 was ratified and who went to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty and tried to register their names under him under that treaty, or article fourteen of that treaty, said they had done all this but Colonel Ward failed to put their names upon his list known as Ward's Register, and because of his failure to do this these Indians lost their land because it was taken from them by the government and sold together with the improvements upon it, at the public land sales of the government.

- Q Do you know whether any of your Choctaw ancestors went before the Commission of 1837 or the Commission of 1842, and claimed any rights under article fourteen of that treaty? A No sir, I couldn't tell you.

The act of Congress approved August 23, 1842, provided: That if a Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it further appeared that he had had land in the old Choctaw Nation which

#5.

the government had taken from him and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that he should receive a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors receive any scrip under that act of Congress? A I couldn't tell you.
- Q Have you any relatives or kin who have been before the Commission to be identified as Mississippi Choctaws? A No sir, not that I know of.
- Q You are the only one of any of your relatives? A Yes sir; two sisters, they're both dead.
- Q You have no uncles, aunts or cousins who have been before the Commission? A No sir, none that I know of.
- Q Do you understand or speak Choctaw? A No sir, but very little; not enough to make a conversation.
- Q Now you claim half Choctaw blood, but you don't show half Choctaw? A Don't show it? Well, my father was said to be Indian.

This applicant has the appearance and physical characteristics of being descended from white parentage, she has blue eyes, medium fair complexion, hair formerly brown, now somewhat gray, although the brown color is distinguishable; and she doesn't understand or speak the Choctaw language and is unable to state whether her ancestors complied with article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 10th day of June, 1902.



Notary Public.

Cow.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Quincey E. Powell,
for identification as a Mississippi Choctaw, M C R 5742.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Quincey E. Powell for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Helen Fry, who is alleged to have been possessed of Choctaw blood, degree thereof not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nelson Fry signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quincey H. Powell as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article four-

teen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jame Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commodore.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

FEB 4 1903

Miss. Choctaw R5742

Muskogee, Indian Territory, June 25, 1902.

Q. F. Powell,

Krebs, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 23, inclosing the affidavits of Salley Henderson and Joe Lewis and joint affidavit of James Ashton and Salley Henderson, which you offer in support of your application for identification as a Mississippi Choctaw and the same have been filed with the record in your case.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 5742.

Muskogee, Indian Territory, February, 4, 1903.

Quincey E. Powell,

Krebs, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Quincey E. Powell, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quincey E. Powell as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, to-

Q. E. P. # 2.

gether with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Quincey E. Powell, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quincey E. Powell as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Pixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Quincey E. Powell, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 5742

Land.
12757-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Quincey E. Powell, for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases her claim to identification on her descent from Eslam Fry, who it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi, in 1830.

The affidavits of Salley Henderson, James Ashton and Joe Lewis, 87, 84 and 86 years of age respectively, state that they were personally acquainted with Eslam Fry, (father of the applicant) in Mississippi, and know he was a Mississippi Choctaw Indian, and that he complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, by taking an allotment and becoming a citizen of the States.

The Commission rejected the applicant February 4, 1903, because the name of Eslam Fry, the ancestor through whom she claims does not appear among those who complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office and it is discovered that the name of Eslam Fry does not appear among those who complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, neither does it appear that he applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for the adjudication of his rights, if he had any, as a Choctaw Indian. There was a No-a-to-nubbee or Billy Fry, child under 10 years of age at time of treaty, applicant who was awarded scrip, and an Elcey Fry, female child under 10 years of age, whose parent was Francis, applicants for scrip who were rejected. The evidence tends to show that the Eslam Fry claimed under was a child at time of treaty, so must have claimed through his parents, whom the applicant knows nothing of.

These being the facts it is evident that the decision of this Commission rejecting the applicant is correct, and this office concurs in that decision and recommends its approval.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

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D.C.10331-1903.
I.T.D. 3006-1903.
L.R.S.

C O P Y.
E.A.F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 7, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as a Mississippi Choctaw, of Quincy E. Powell, including your decision of February 4, 1903, refusing the application.

The applicant claims to be a descendant of Eslam Fry, alleged to have been possessed of some Choctaw Indian blood and to have resided in Mississippi in 1830.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Eslam Fry complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting March 17, recommends that your decision be approved. A copy of his communication is inclosed.

-2-

The Department has carefully reviewed the whole record, and, finding no reason to modify your decision, hereby affirms the same.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 5742

COPY.

Muskogee, Indian Territory, April 23, 1903.

Quincey E. Powell,

Krebs, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

Tamc Dixty.
Chairman.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Quincey E. Powell, of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

Chairman.

Dec. 28 05'

Copy of this testimony
furnished M. M. Lindley
Attorney of S. M. Calster
this date

M. M.

For Identification as a Mississippi Choctaw.

Date

JUL 2 1909

Name Quincy E. Powell

Age 44 - Blood ~~full~~ - 1/2

Post-Office, Buck. L. T.

Father: Eslam Fry. d

Mother: Sophia " d

Claims through father -

Husband

I am Powell L. W.
No claim for husband

Children:

Claims for
self alone

J. M. M.

Choctaw MCR 5743

Belle Cole

See MCR 3384

MCR 5743

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 2nd, 1902.

#5743

-----300-----

In the matter of the application of Belle Cole for the
identification of herself as a Mississippi Choctaw.

No attorney.

Belle Cole being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Belle Cole.
Q What is your age? A Forty-nine.
Q What is your post office address? A Rufus, Texas.
Q How long have you lived in Rufus? A Rufus our postoffice.
Q How long have you lived there---near there, having that post-
office? A Four years.
Q How long have you lived in Texas? A Thirty-two years.
Q Where did you live before that? A Mississippi.
Q Were you born in Mississippi? A Yes sir.
Q Where did you live in Mississippi? A Itawamba County.
Q From Mississippi you went where? A To Arkansas.
Q How long did you live in Arkansas? A Two years.
Q And went to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Barten.
Q What was your mother's name? A Sarepta Barten.
Q You claim your Choctaw blood through which parent, father or
mother? A My father.
Q How much Choctaw blood do you claim? A Quarter.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No sir.
Q When and where were your father and mother married?
A Mississippi.
Q By a minister under a license or according to the Choctaw custom?
A I don't know.
Q Do you know the day of the month and year? A November 24th,
'81.
Q Do you know if they were married by a minister? A Yes sir.
Q Have you the proof of their marriage with you now? A I have
the date of the year along.
Q Have you the old record? A No sir.

#2.

- Q Are you married? A Yes sir.
Q What is your husband's name? A I. J. Cole.
Q Is he a white man and living? A He's a white man.
Q He's not got any Choctaw blood? A No sir, he's Irish.
Q You don't make any claim for him? A No sir.
Q Have you any children you want to make application for?
A No sir, mine's all dead; haven't got any children.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory; you have never been enrolled have you as a Choctaw Indian? A I haven't.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made for enrollment as a Choctaw Indian? A No sir.
Q You have never been admitted to citizenship then in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now want to be identified as a Mississippi Choctaw?
A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand article fourteen of the treaty of 1830?
A No sir, I don't believe I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830. Before the treaty was signed it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory. In order to protect the interests of those Indians article fourteen was put into the treaty and it was signed on the 27th day of September of that year and ratified on the 24th day of February, 1831. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present im-

provement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article that you knew of? A Not that I know of.
- Q Did any of them do those things named there in that article of that treaty? A I don't know.
- Q What is the name of your ancestor that you are now claiming through; go back to the ancestor if you can that lived in Mississippi in 1830? A He was an orphan.
- Q Well did he live in Mississippi at any time or Alabama either?
- A Yes sir, he lived in Mississippi; I know he was living in Mississippi when he and my mother married, and he stayed there until the year '70.
- Q How old was John Barton your father when he died? A Seventy-two years old.
- Q And he died when? A In '72.
- Q He was seventy-two when he died in '72? A Yes sir.
- Q You say he was seventy-two when he died? A Yes sir.
- Q And died in 1872? A Yes sir.
- Q Now you make him how old if he was living now? A One hundred and two years old. He was born in 1800; wouldn't that make him one hundred and two years old? He was born in 1800 and this is 1902.
- Q Was he born in Mississippi? A Don't know, sir.
- Q Did he have a family living with him in Mississippi in 1830, seventy-two years ago? A No sir.
- Q Are you sure about that? A No sir, he was married November 24, 1831.
- Q Where was he married? A Well, I cant tell you exactly where they was married.
- Q Don't you know where he was living at that time? A He was living close to Columbus, Mississippi.
- Q Have you any idea or knowledge, going down through your family history, that in November, '31, he was married in Mississippi?
- A He lived there ever since he----he was a boy I reckon. I suppose they was married in Mississippi.
- Q Did he get his Choctaw blood from his father or mother?
- A I couldn't tell you.
- Q Were either his father or mother or both living in Mississippi at the time of his marriage? A No sir, he was an orphan boy.
- Q He was quite young when his parents died? A I suppose so by that.
- Q What would be quite necessary for you to prove in this application is that you had a Choctaw ancestor who was living in the old Choctaw Nation either in Mississippi or Alabama in 1830 at the time when that treaty was signed, and also who lived there in 1831, and who was the head of a family there then and married and having children and who complied or attempted to comply within six months from the ratification of article fourteen of that treaty of 1830; now do you know whether your father did any of these things? A No sir.
- Q Or whether his father or mother did? A No sir.

#4.

- Q Or whether his grandfather or grandmother did? A No sir.
- Q Where did your father die? A In Texas.
- Q What date did you say----'72? A Yes sir.
- Q What place in Texas? A Kauffman County.
- Q How old was he when he left Mississippi? A Mississippi to Texas? He was seventy.
- Q Could you testify that he was born in the old Choctaw Nation east of the Mississippi river? A Yes sir.
- Q He was born in Mississippi was he? A He was born east of the Mississippi river in Mississippi; I don't know whether he was born in Mississippi or not.
- Q How much Choctaw blood did your father have? A Half.
- Q To the best of your knowledge then he was married November 24, 1831? A Yes sir.
- Q You cant say positively he was married in the state of Mississippi? A Yes sir, but I cant tell you exactly where.
- Q You don't know whether it was in the old Choctaw Nation?
- A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of them own or claim any land there under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians, between 1833 and 1836?
- A No sir.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states; ever hear about that? A No sir.
- Q Did any of your Choctaw ancestors comply with any other article of the treaty of 1830 than article fourteen? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements, to lose them both; they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed, by an act of Congress approved

#5.

August 23rd of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article fourteen? A Not that I know of.

In 1842 scrip was issued to certain Indians who proved their rights under article fourteen and who also proved that they had land taken from them by the government. This scrip was issued to them under an act of Congress approved August 23, 1842. With this scrip they might select their land to take the place of land which the government had taken from them.

- Q Do you know whether any of your Choctaw ancestors received any such scrip from the government? A No sir.
- Q Have you any other relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir, five nieces and a nephew--Jess Barten.
- Q This is a boy? A No sir, a man; and Sallie Barton.
- Q Who else? A Mattie Bourne.
- Q What relation is Jess Barten to you? A Nephew.
- Q He made application to be identified on the 18th day of December, 1901, did he not? A I don't know sir when he made application.
- Q He lives at Sile, Chickasaw Nation? A Yes sir.
- Q One Jess Barten made application to be identified before the Commission at Muskegee, Indian Territory, December 18, 1901, M C R 4386. Would you like to have his testimony considered with yours and also the testimony of other relatives of yours who claim through the same common ancestor? A Yes sir.
- Q Jess Barten in his testimony at that time stated that his ancestor who was a Choctaw and who lived in Mississippi in 1830 was John Barten, and further stated that that John Barten was his grandfather; is this John Barten that you claim through your father? A Yes sir, my father.
- Q Now he stated that John Barten your father had three quarters Choctaw blood; what do you think about that? A I think about a half.
- Q You say Jess Barten is your nephew? A Yes sir.
- Q Your brother's son? A My brother.
- Q Who was your brother? A Nute Barton.
- Q Is he living or dead? A No sir, he's dead.
- Q What relation is Kate Barton to you? A Niece.
- Q Is she the daughter of Sallie Barton? A Yes sir.
- Q And this is a sister of yours? A No sir, William Marion Barton is her father.
- Q Application was made for Kate Barton to be identified as a Mississippi Choctaw, December 18, 1901, M C R 4383. Would you like to have that case also referred to? A Yes sir.
- Q And also the case of Martha Bourne, 4384? A Yes sir.
- Q What relation is Martha Bourne to you? A Niece.
- Q Your brother's daughter? A Yes sir.
- Q What was her father's name? A William Marion Barton; same as Katie's.
- Q Do you speak or understand the Choctaw language? A No sir.

70.

- Q Is there anything more you want to say in support of this claim?
A Not that I know of.
Q You claim one-fourth Choctaw blood do you? A Yes sir.
Q And three-fourths white blood? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from a mixed blood ancestry composed of white and Indian; she claims the Indian blood to be Choctaw, and her hair is black and straight; her eyes are black; her skin is dark, rather olive complexion; she doesn't understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14th day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss Chootaw R 5743

Muskogee, Indian Territory, June 5, 1902.

Belle Cole,

Rufus, Texas,

Dear wadam:

Receipt is hereby acknowledged of certified copies of the affidavits of John Lewis, R. Rice, Alf Allen, and T. P. Carlisle, and certificate of J. L. Rappolee to an extract from page 130 of Volume 7 of American State Papers, which are offered for filing in support of your application for identification as a Mississippi Chootaw, and the same have been made a part of the record in your case.

Yours truly,

Acting Chairman.

Miss. Choctaw R5743

Muskogee, Indian Territory, July 11, 1902.

Mrs. Belle Cole,

Kaufman, Texas,

Dear madam:

Receipt is hereby acknowledged of your letter of July 2, inclosing communication from Clerk of the Circuit Court of Lowndes County, Mississippi, relative to a marriage license and certificate, and stating that you will forward the same to the Commission as soon as received.

In reply to your letter you are informed that it does not appear from the record made in your case at the time of your application for identification as a Mississippi Choctaw that you asked for time in which to offer evidence in support of the same, and the Commission is already considering your case preparatory to rendering a decision therein. The letter of the Clerk is herewith returned to you.

Yours truly,

Acting Chairman.

3
Muskogee, Indian Territory, September 3, 1902.

Belle Cole,

Enfer, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Millough, et al., granting the following applications for identification as Mississippi

Chocktaws:

John Newton Millough, et al.,	M.C.R. 338
Alice White Nolan, et al.,	" 3385
Jess Barton,	" 4386
Rufus Barton, et al.,	" 5744
Henry D. Barton, et al.,	" 5745
Albert L. Barton, et al.,	" 5746
James I. Barton, et al.,	" 5747
Martha Bourne,	" 4384
Cora Lee Hill, et al.,	" 4385
Kate Barton,	" 4383
Belle Cole,	" 5743.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the

B.C. #2.

identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary to the discharge of the duties of the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Paris Killough, Jessie May Killough, Alice White Nolen, Marion Esther Nolen, Vallie Edna Nolen, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Clyde Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Era Barton, Albert L. Barton, Bertie Barton, Johnnie Barton, Oscar Barton, Daniel L. Barton, Sam Barton, Martha Bourne, Cora Lee Hill, Minnie Florence Hill, Emma Wesley Hill, Kate Barton and Ella Cole. Choctaw Indians are entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, as it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamm Dixby,
Acting Chairman.

registered.

COPY

D.C.L. 5743

Muskogee, Indian Territory, December 22, 1902.

Belle Cole,

Rufus, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

James L. Smith,
Acting Chairman.

M C R 5743

COPY

Muskogee, Indian Territory, November 10, 1906.

Belle Cole,

Rufus, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date JUN 2 1891

Name Belle Cole

Age 49

Blood 1/4

Post-Office,

Refus, Texas. —

Father:

John Barton,

d.

Mother:

Sarepta

"

d.

Claims through

husband

father
J. J. Cole — w. l.

No claim for husband

Children:

Claims for self
alone

Stenographer

A. L. W. Mason

Choctaw MCR 5744

Rufus Barton

See MCR 3384

MCR 5744

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskeges, I. T., June 2nd, 1902.

#5744.

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In the matter of the application of Rufus Barton for the identification of himself and his five minor children, Lennie, Willie, Clyde, Walter and Jennie Barton, as Mississippi Choctaws.

No attorney.

Rufus Barton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rufus Barton.
Q What is your age? A Thirty-eight.
Q What is your post office address? A Ola, Texas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q How long have you lived in Texas? A Born and raised there.
Q Always lived in that state? A Yes sir.
Q Most of the time where? A Right around Ola.
Q What was your father's name? A Hute Barton.
Q What was your mother's name? A Lacy Barton.
Q You claim your Choctaw blood through your father Hute? A Yes sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Jess Barton is your brother? A Yes sir.
Q And he has made application to be identified as a Mississippi Choctaw has he not? A Yes sir.

No. 4386 is here referred to for the purpose of consolidation.

- Q Would you like to have his case considered with yours and the cases of all other relatives who have applied or who are to apply? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory
A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Can you introduce that evidence within a few days?
A I do not know whether we could or not; we might find it in the course of two or three weeks.

- Q Are you married? A Yes sir.
- Q Have you any idea of knowledge of the date and the place of the marriage of your father and mother? A No sir.
- Q What is your wife's name? A Delia.
- Q Jess' wife's name was Delila wasn't it? A Yes sir.
- Q She's living is she? A Yes sir.
- Q Is she a Choctaw woman or a white woman? A White woman.
- Q You don't make any claim for her? A No sir.
- Q You have five children have you? A Yes sir.
- Q Will you give me the name of the oldest under age and unmarried that you want to apply for? A I have got them down here----
Lennie Barton.
- Q How old? A Fifteen years old.
- Q The next? A Willie Barton.
- Q Is that a boy? A No sir, girl.
- Q How old? A Eleven years old.
- Q The next? A Clydie Barton.
- Q Girl? A Boy.
- Q How old? A Eight years old.
- Q The next? A Walter Barton.
- Q How old? A Six years old.
- Q Next? A Jennie Barton.
- Q How old? A She's three years old.
- Q That's all is it? A Yes sir, that's all the children.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Is Delia Barton the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q And they all live with you at your home? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q You don't claim that your father's name was ever on the rolls-- Choctaw rolls--in the Indian Territory? A No sir.
- Q When and where were you married to your wife Delia Barton? A Kauffman County, Texas.
- Q What date? A 11th of June, '88.
- Q By a minister and under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A No sir.
- Q It will be necessary for you to furnish the Commission with evidence of the marriage between yourself and your wife to support this application you make for the children, and you can furnish either the original marriage license and certificate or a certified copy of the same; and in the absence of either the next best evidence would be the witness of two or more persons that were present at your marriage, and please get that evidence before the Commission as soon as possible, within a week if you can? A Yes sir.
- Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

#3.

- Q And you never made application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896?
- A No sir.
- Q And never to the Choctaw tribal authorities? A No sir.
- Q Do you now come before the Commission for the identification of yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know that I do.

The treaty of 1830 was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830, and was for the purpose of securing the removal of all of the Choctaws from what constituted the old Choctaw Nation to the Choctaw Nation west of the Mississippi river. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. At the time the treaty was made some of the Choctaws didn't want to go to this new country, but preferred to remain in Mississippi. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

That last clause means that a Choctaw who remained in the state of Mississippi and complied with all of the provisions of this fourteenth article of this treaty, didn't forfeit his rights of citizenship in the Choctaw Nation, Indian Territory, but he did forfeit any rights to share in the payment of the Choctaw annuity. Annuity was money paid to the Choctaw Indians individually under treaty provisions of the United States government.

- Q Do you understand that article? Do you think, now, well enough to claim under it? A Yes sir, I believe I do.
- Q What is the name of your Choctaw ancestor who resided in Mississippi in 1830 when this treaty was made; who do you claim through? A Barton.

- Q What Barton is that, grandfather? A Yes sir.
 Q What was his name? A John Barton.
 Q He was your grandfather was he? A Yes sir.
 Q And your father was Nute Barton? A Yes sir.
 Q And you are a brother of Jess Barton? A Yes sir.
 Q How much Choctaw blood did John Barton have? A Claimed to have about one-half.
 Q Your brother Jess said he claimed to have about three quarters; do you think he made a mistake? A He might have knowed more about it than I do-----heard more about it.
 Q Did John Barton's wife have any Indian blood? A No sir.
 Q She was a white woman? A White woman.
 Q How much Choctaw blood did your father have? A He would have been quarter.
 Q And you would be one-eighth would you? A Yes sir.
 Q Did your ancestor, John Barton, or any other ancestor that had Choctaw blood, comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
 Q Did your Choctaw ancestor or ancestors own any improvements in 1830 on land in the old Choctaw Nation in Mississippi or Alabama? A Not that I know of.
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir, not that I know of.
 Q Did any of your Choctaw ancestors, within six months from the ratification of the treaty of 1830, that is, within six months from the 24th day of February, 1831, go to the United States Indian Agent in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, not that I know of.
 Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government in Mississippi as beneficiaries under this treaty? A No sir, not that I know of.
 In 1837, as well as in 1842, Commissions were appointed by various acts of Congress. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why the Commissions were appointed was because of the complaints of a great many Choctaws who stayed back in the old Choctaw Nation and who claimed that within six months after the ratification of the treaty they had gone to the United States Indian Agent and told him that they wanted to stay in Mississippi, take land there and become citizens of the states, but that he had neglected to make a proper record of their applications for enrollment under article fourteen. As a result of his neglect a great many Indians who had land in Mississippi upon which they had improvements lost both, for the government took both from them and sold them at its public land sales.
 Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians? A No sir, I don't know.
 Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Miss-

#5.

issippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip or certificates were issued under an act of Congress approved August 23, 1842.

- Q Have you any witnesses that you want to bring before the Commission now in support of your case? A Yes sir, I have some papers I want to file.
- Q These papers are affidavits to be filed in the case of Martha L. Bourne; these affidavits are not gotten up for your case specially. What relation is Martha L. Bourne to you? A Cousin of mine.
- Q Does she go back to John Barten as the common ancestor with you? A Yes sir.

Certified copy of a certified statement of J. L. Rappee, a notary public in and for the Central District of the Indian Territory, which he made in the case of Martha L. Bourne et al., presented by this applicant, received, marked Exhibit "A" and made a part of the record in this case.

Certified copy of a sworn statement of Sallie Barten presented by applicant, received, filed, marked Exhibit "B" and made a part of the record in this case.

Certified copy of a sworn statement of Alf Allen presented by applicant, received, filed, marked Exhibit "C" and made a part of the record in this case.

Certified copy of a sworn statement of T. B. Carlisle is presented by applicant, received, filed, marked Exhibit "D" and made a part of the record in this case.

Certified copy of a sworn statement of R. Rice received, filed, marked Exhibit "E" and made a part of the record in this case.

Certified copy of the sworn statement of Belle Cole presented by applicant, received, filed, marked Exhibit "F" and made a part of the record in this case.

- Q In these papers that have been filed by you there is a statement by one J. L. Rappee, a notary public, that he has examined Volume 7 of the American State Papers and that he finds on page 130 of Volume 7 the name of one Barten an orphan boy whose parents were named Anceatubee, who resided in Colonel LeFlore's District; do you know whether that is the same person as your grandfather John Barten? A No sir.
- Q You are not able at present to connect that Barten with your grandfather John Barten? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q What relation are you to Belle Cole? A She's an aunt of mine.
- Q And her father John Barten was your grandfather? A Yes sir.

#6.

Q Belle Cole is the sister, is she not, of Nate your father?

A Yes sir.

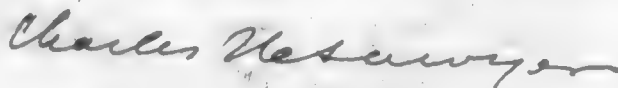
Q You don't show Choctaw blood like your aunt; do you think you do? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, he has brown eyes, dark brown hair, his complexion is dark, but now is somewhat tanned, he has no knowledge of the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830?

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 14th day of June, 1902.



Notary public.

Muskogee, Indian Territory, June 12, 1902.

Rufus Barton,

Ola, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between R. A. Barton and S. B. Howell, and joint affidavit of Hester Morrow and C. H. Parrish, stating that Rufus and R. A. Barton are the same person, which are offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

The same are herewith returned to you for the reason that it appears in your testimony at the time of your application that your wife's name is Delia, and that you were married to her June 11, 1885, while the marriage license offered by you gives the name of the wife as S. B. Howell, and the date of marriage April 11, 1886. Before this license and certificate can be accepted in evidence it will be necessary to have an explanation of the difference in names and dates as they appear in the certified copy of the marriage license and certificate and as given in your testimony.

Yours truly,

COPY

Muskogee, Indian Territory, September 3, 1902.

Rufus Barton,
Ola, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Killough, et al., embracing the following applications for identification as Mississippi Choctaws:

John Newton Killough, et al.,	M.C.R. 3384
Alice White Rolen, et al.,	" 3385
Jess Barton,	" 4386
Rufus Barton, et al.,	" 5744
Henry D. Barton, et al.,	" 5745
Albert L. Barton, et al.,	" 5746
James I. Barton, et al.,	" 5747
Martha Bourne,	" 4384
Cora Lee Hill, et al.,	" 4385
Kate Barton,	" 4388
Belle Cole,	" 5743.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred

R.B. #2.

and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton, Killough, John Berris Killough, Jessie May Killough, Alice White Rolen, Marion Esther Rolen, Vallie Edna Rolen, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Clydie Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Mary Barton, Ruby Barton, Era Barton, Albert L. Barton, Dorothea Barton, Johnnie Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Bourne, Cora Lee Hill, Minnie Florence Hill, Earnest Wesley Hill, Kate Barton and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

Rufus Barton,

Ola, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

James G. Carter
Acting Chairman.

M C R 5744

COPY

Muskogee, Indian Territory, November 10, 1906.

Rufus Barton,
Ola, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date JUN 2 1902

Name Rufus Barton.

Age 38 Blood '18

Post-Office, Ola, Texas.

Father: Nate Barton, d

Mother: Lucy " d

Claims through father --
wife, Melia Barton, l. w.
No claim for wife -

Children:

Lennie Barton, 15
Willie " F. 11
Glydie " M. 8
Walter " M. 6
Jimmie " F. 3

Claims for self
and children

Stenographer A. G. McMillan

Choctaw MCR 5745

Henry D. Barton

See MCR 3384

MCR 5745

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 2nd, 1902.

#5745

-----000-----

In the matter of the application of Henry D. Barten for the identification of himself and his five minor children, Stella, Basil, Bryan, Ruby and Era Barten, as Mississippi Choctaws.

No attorney.

Henry D. Barten being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Henry D. Barten.
Q What is your age? A Thirty-four.
Q What is your post office address? A Chief, Kaufman County, Texas.
Q How long have you lived in Chief? A I was raised right there around Chief.
Q Lived there all your life? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Nate Barten.
Q What was your mother's name? A Essy Barten.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A About one-eighth.
Q Has your father ever been recognized as a Choctaw Indian by the Choctaw tribal authorities in Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you now? A No sir.
Q You can't tell where they were married or when? A No sir.
Q It will be necessary that in this consolidated case there should be somewhere the proper proof of the marriage of your father and mother; you can attend to that can you not within a few days? A Yes sir, I think I can.
Q Are you married? A Yes sir.
Q What is your wife's name? A Della Barten.
Q Is she living and a white woman? A Yes sir, she's living and a white woman.
Q Do you make any claim for her? A No sir.
Q Now give me the names of the children and their ages?
A Stella Barten.
Q How old is Stella? A Two years old.
Q The next? A Basil.

- Q He's a boy? A Yes sir, eight years old.
 Q The next? A Bryan.
 Q How old? A He's six years old.
 Q Next? A Ruby.
 Q Girl? A No sir, it's a boy; he's four years old.
 Q Next? A Era.
 Q Boy? A No sir, it's a girl; she's two years old.
 Q Is that all? A Yes sir, that's enough aint it?
 Q Is your wife Della the mother of these children? A Yes sir.
 Q And you are the father of them all? A Yes sir.
 Q And they are all living with you at your home? A Yes sir.
 Q Were you or your wife ever married before you married each other? A No sir.
 Q When were you married to your wife? A 1890.
 Q What is the exact day of the month and place? A November 23.
 Q What place? A Texas.
 Q In what County? A Kaufman County.
 Q By a Justice of the Peace? A Yes sir.
 Q Have you the proof of that marriage with you now? A No sir, I haven't.
 Q You can introduce that in a few days? A Yes sir.
 Q Either by producing the original marriage license and certificate or a certified copy of the same, or, in the absence of either of these methods of proof, by the affidavit of two or more witnesses who were present. Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Is this the first application of any kind that you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
 Q You have never been enrolled have you as Choctaw Indians, either you or your children? A No sir.
 Q Do you understand article fourteen of the treaty of 1830? A Yes sir, I think I do.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; if like manner shall be entitled to one half that quantity for each un-

married child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that article of that treaty? A Yes sir.
- Q Do you know whether any of your ancestors complied with it?
- A No sir, I don't know.
- Q What is the name of your ancestor that you are claiming through now? A John Barten.
- Q What relation was he to you? A Grandfather.
- Q How much Choctaw blood did he have? A He claimed about half.
- Q What was his son's name--your father? A Nute Barten.
- Q He's now dead is he? A Yes sir.
- Q Did he ever live in Mississippi----Nute? A I suppose so.
- Q Was he born in Mississippi? A Yes sir.
- Q And John Barten is his father? A Yes sir.
- Q Was he born in 1830 or any time before that or any time after that? A I don't know.
- Q Did your grandfather John Barten live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Ever hear it in the family? A No sir.
- Q Can you give me the name of any ancestor of yours who did live in the old Choctaw Nation in 1830 and had a family there then; what I want to get at is the name of your ancestor who lived in the old Choctaw Nation when the treaty was made, and within six months after the treaty was ratified, and who complied with the provisions of article fourteen; now, can you tell? A No sir, I can't.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians, under the treaty, between 1833 and 1838? A Not that I know of.
- Q Did any of them own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of Dancing Rabbit Creek, to go to the United States Indian Agent,

#4.

Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register, and his failure to do this caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under that article? A No sir.

The act of Congress approved August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if he also further proved he had had land in Mississippi which had been taken from him by the government and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know of.
Q What relation was Jess Barton to you? A Brother.
Q He made application to be identified as a Mississippi Choctaw didn't he? A Yes sir.
Q What relation is Martha L. Bourne? A Cousin.
Q And Kate Barton? A Cousin.
Q Would you like to have the application of Jess Barton, M C R 5747, Martha Bourne, M C R 4384, and other relatives who have applied claiming through the same common ancestor, considered with yours? A Yes sir.
Q Have you any other proof or evidence that you want to submit at this time? A I want to submit Mrs. Cole.
Q Her testimony will be considered with yours? A Well, that's all; I have some papers.

Sworn statement of J. L. Rappelee, notary public, presented by this applicant and marked Exhibit "A".

Certified copy of the sworn statement of Mallie Barton presented by this applicant and marked Exhibit "B".

Certified copy of the sworn statement of Alf Allen presented and marked Exhibit "C".

#5.

Certified copy of the sworn statement of T. B. Carlisle presented by this applicant and marked Exhibit "D".

Certified copy of the sworn statement of Belle Cole presented and marked Exhibit "E".

Certified copy of the sworn statement of R. Rice presented by this applicant and marked Exhibit "F".

All of which affidavits have been received by the Commission, filed and made a part of the records in this application.

- Q Is there anything more you want to say in support of your claim?
A No sir.
Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, brown hair, light reddish brown mustache, complexion is medium dark, but he seems to be now somewhat sunburnt or tanned; he doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 14 day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R 5746
R 5746, R 5747.

Muskogee, Indian Territory, June 5, 1902.

A. L. Barton,
Chief, Texas,

Dear sir:

Receipt is hereby acknowledged of the following papers
offered in support of Mississippi Choctaw cases:

Marriage licenses and certificates between W. A. Barton
and Mrs. Alice Barton, and A. L. Barton and Leah Fowler, offered in
support of the application for identification as Mississippi Choctaws
of Albert L. Barton, et al.

Marriage license and certificate between Henry Barton and
Della Long, offered in support of the application for identification
as Mississippi Choctaws of Henry D. Barton, et al.

~~Receipts and~~ certificate between J. I. Barton and
Laura Foster, offered in support of the application for identifica-
tion as Mississippi Choctaws of James I. Barton, et al.

The same have been duly filed with the records in the above
named cases. The certified copy of marriage license and certificate
between R. A. Barton and S. B. Howell is herewith returned to you for
the reason that it does not appear from our records that any person
by the name of R. A. Barton has applied for identification as a

A.L.P. 2

Mississippi Choctaw. If you will give the name of the case in which this evidence of marriage should be filed, the matter will receive further consideration.

Yours truly,

Acting chairman.

AB 1-5

Muskogee, Indian Territory, July 20, 1908.

Henry D. Barton,
Chief, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, asking to be advised of the present status of your application for identification as a Mississippi Choctaw. You also ask if the evidence offered in your case is sufficient.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and your minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to the right of yourself and minor children to be identified as Mississippi Choctaws, but it is probable that such decision will be rendered sometime in the near future. Upon the rendition thereof you will be duly notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

The Commission cannot render any opinion upon the sufficiency of evidence submitted in support of applications for identification as Mississippi Choctaws until the cases are taken up

E. S. S.,--2.

for final consideration and decision.

Yours truly,

Commissioner in Charge.

OV.

Muskogee, Indian Territory, September 3, 1902.

Henry D. Barton,
Chief, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Killough, et al., embracing the following applications for identification as Mississippi Choctaws:

John Newton Killough, et al.,	M.C.R. 3384
Alice White Rolan, et al.,	" 3385
Jess Barton,	" 4386
Rufus Barton, et al.,	" 5744
Henry D. Barton, et al.,	" 5745
Albert L. Barton, et al.,	" 5746
James I. Barton, et al.,	" 5747
Martha Bourne,	" 4384
Cora Lee Hill, et al.,	" 4385
Kate Barton,	" 4388
Belle Cole,	" 5743.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred

H.D.B. #2.

and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and he report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Beris Killough, Jessie May Killough, Alice White Rolan, Marion Esther Rolan, Vallie Edna Rolan, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Clyde Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Era Barton, Albert L. Barton, Dorothea Barton, Johnnie Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Bourne, Cora Lee Hill, Winnie Florence Hill, Earnest Wesley Hill, Kate Barton and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James H. Smith,
Acting Chairman.

Registered.

M.C.R. 5745

Muskogee, Indian Territory, December 22, 1902.

Henry D. Barton,

Chief, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,


Acting Chairman.

M C R 5745

COPY

Muskogee, Indian Territory, November 10, 1906.

Henry D. Barton,
Chief, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office by Cora Lee Hill, June 25, 1906, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Vams Bixby.*

Commissioner.

No. 5745

For Identification as a Mississippi Choctaw.

Date

Name Henry H. Barton

Age 34 - Blood 1/8

Post-Office, Chief, - Texas

Father: Nute Barton, d

Mother: Lucy " d

Claims through father
wife: Wella Barton, l.w.
No claim for wife -

Children:

Stella Barton		10
Basil "	M	8
Bryan "	"	6
Ruby "	M. X	4
Era "	F	2

Claims for self
and children

Stenographer C. H. McMillan

Choctaw MCR 5746 .

Albert L. Barton

See MCR 3384

MCR 5746

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 2nd, 1902.

#5746

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In the matter of the application of Albert L. Barton for the identification of himself and his minor child, Dorothea Barton, and for the identification of his niece Jehunie Barton and his nephew Oscar Barton, as Mississippi Choctaws.

No attorney.

Albert L. Barton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Albert L. Barton.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Chief, Kaufman County, Texas.
Q How long have you lived in Texas? A All my life.
Q And near Chief all that time? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Fute.
Q What was your mother's name? A Lucy.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim through him? A One-eighth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A Not that I know of.
Q Can you tell when and where your father and mother were married?
A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Leah Barton.
Q Is she a white woman and living? A Yes sir.
Q Do you claim for her? A No sir.
Q What is the name of your child? A Dorothea.
Q Girl? A Yes sir.
Q Is that all? Is there any others that you want to make application for? A Yes sir.
Q What? A Jehunie Barton.
Q Is that a girl? A Yes sir.
Q How old? A Seventeen.
Q The next? A Oscar.

- Q How old? A Thirteen.
 Q Is that all? A Yes sir.
 Q How are the parents of Johnnie Barton and Oscar Barton dead?
 A Yes sir.
 Q Both dead? A Yes sir.
 Q Your brother's children? A Yes sir.
 Q He was your own brother? A Yes sir.
 Q What was his name? A The father of Johnnie Barton was John Barton.
 Q Is he now dead? A Yes sir.
 Q Did he have Choctaw blood? A Yes sir.
 Q How much? A One-eighth.
 Q And the mother of Johnnie Barton was named what? A Alice.
 Q Is she dead? A Yes sir.
 Q Did she have any Choctaw blood? A No sir.
 Q She was white? A Yes sir.
 Q Now the father of Oscar was named what? A William.
 Q Did he have Choctaw blood? A Yes sir.
 Q One-eighth? A Yes sir.
 Q Dead? A Yes sir.
 Q And mother was named what? A Alice.
 Q What relation was Alice to you, anything? A No sir.
 Q What was her maiden name---Alice what? A Alice Cox.
 Q You claim how much Choctaw blood for Johnnie Barton and Oscar?
 A One-sixteenth.
 Q Now Johnnie Barton was the daughter of your brother John Barton by his wife Alice Cox? A Yes sir.
 Q And then your brother John Barton died? A Yes sir.
 Q And his wife Alice married another brother of yours whose name was William Barton? A Yes sir.
 Q And they had a child named Oscar? A Yes sir.
 Q Which is this child that you are making application for now?
 A Yes sir.
 Q Have you been the protector and guardian since the death of their father and mother? A Since the death of their mother.
 Q How long have they been orphans? A Nearly two years.
 Q Have you been appointed their guardian by Court? A Yes sir.
 Q Have you the proof of that appointment with you? A Yes sir.
 Q Do you want to file this? A Well, if it is necessary.

The certificate of T. J. Broughton, clerk of the County Court of Kaufman County, Texas, presented by this applicant, received, filed, marked Exhibit "C" and made a part of the records in this case. This certificate shows that this applicant, Albert L. Barton, has been appointed the legal guardian of Johnnie Barton and Oscar Barton.

- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
 A No sir.
 Q Is Leah Barton the mother of your child Bertha? A Yes sir.
 Q Were either you or she married before you married each other?
 A No sir.
 Q Have you the proof of the marriage of your wife and yourself with you? A No sir.

#3.

- Q You can introduce that within a few days can you? A Yes sir.
Q When and where were you married to your wife? A I was married in Kaufman County, Texas.
Q Do you remember the day of the month and year of that marriage?
A Yes sir.
Q Give it? A July 18, 1899.
Q By a minister under a license? A By a Justice of the Peace under license.

Reasonable time will be allowed, if you do not delay the proof, in which to introduce the proof of the marriage to your wife.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of these children to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for such citizenship to the Dawes Commission under the act of Congress of June 10, 1896?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of these children to any authority whatever, previous to this application that you are making now?
A No sir.
Q And you have never been admitted as a Choctaw Indian have you?
A No sir.
Q By any authority whatever? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Not exactly.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent.

If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q What is the name of the ancestor through whom you and these two orphan children for whom you make application claim the right to be identified as Mississippi Choctaws? A John Barton.
- Q Did he or any of your Choctaw ancestors or the ancestors of these children comply or attempt to comply with any of the provisions of article fourteen of that treaty? A Not that I know of.
- Q How much Choctaw blood did he have? A Claimed about half.
- Q Did he speak the Choctaw language or have a Choctaw Indian name? A I don't know.
- Q When did he die? A '72 I believe.
- Q How old would he be if living now? A One hundred and two years old.
- Q What information or knowledge have you of the fact that he lived in Mississippi in 1830 and was the head of a family there then?
- A Well, I don't know that he was at the head of a family in 1830; I have heard old citizens of that country say that he was a Choctaw Indian there and lived there.
- Q Do you remember the date that he was married? A No sir.
- Q In her statement your aunt Belle Cole said in November 31 when John Barton was married; do you remember who he married?
- A No sir.
- Q You don't know how old he was when he married? A No sir.
- Q She stated that he married in Mississippi; do you know anything about that? A No sir.
- Q Did any of your Choctaw ancestors or the ancestors of these children own any land or claim any land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Under article fourteen of that treaty? A I don't know anything about that.
- Q Did any of your Choctaw ancestors or the ancestors of these children own any improvements on land in Mississippi or Alabama in the year 1830? A I couldn't say.
- Q Did any of your Choctaw ancestors or the ancestors of these children go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors or the Choctaw ancestors of these children within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi; take land there and become citizens of the states? A Not that I knew of.
- Q Did any of your Choctaw ancestors or the Choctaw ancestors of these children claim any benefits as Choctaw Indians under the treaty of 1830? A I don't know.

#5.

In 1837, as well as in 1842, by various acts of Congress, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because of the complaints made by the Indians at different times that within six months from the ratification of the treaty of 1830 they had gone to the United States Indian Agent, Colonel Ward, at his Agency in Mississippi and tried to register under article fourteen, but that he had refused to receive their names for registration. His list known as Ward's Register contains the names of only seventy-one heads of families upon the authenticated rolls out of the six or more thousand Indians who stayed back there in the old Choctaw Nation, and because of his neglect to properly register these people Congress appointed Commissions, one in 1837 and one in 1842. Now these Commissions made a list of all the Choctaw Indians who came before them; some were rejected and some had their claims accepted.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No sir, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and entitled the holder of it to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land which the government had taken from them and sold.

- Q Is Jess Barton your brother? A Yes sir.
- Q He made application a few days ago did he not, to be identified as a Mississippi Choctaw? A I don't know how long it has been.
- Q Records show that he made application before the Commission December 18, 1901; do you want to have his case taken in connection with yours and also the cases of other relatives of yours who claim through the same common ancestor? A Yes sir.

The case of Jess Barton, M C R 4386 is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to say now in support of this claim? A (Here applicant offers affidavits).

Certificate of J. L. Rappolee, notary public, presented by applicant, marked Exhibit "A" and made a part of the record in this case.

Certified copy of the sworn statement of Sallie Barton marked Exhibit "B".

#6.

Certified copy of the sworn statement of Alf Allen marked Exhibit "C".

Certified copy of the sworn statement of T. B. Carlisle marked Exhibit "D".

Certified copy of the sworn statement of Belle Cole marked Exhibit "E".

Certified copy of the sworn statement of R. Rice marked "F", are herewith presented by this applicant in this case and are received and filed as a part of the record in this application.

This certificate and these ex parte affidavits have all been filed in the application of Martha L. Bourne et al., for identification as Mississippi Choctaws, but are here received although made applicable to the case of Martha L. Bourne, because of the family relationship traced in them from this applicant to John Barten, a common ancestor, with Martha L. Bourne et al.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes, dark brown hair, dark complexion and a light brown mustache; he doesn't understand or speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14 day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R 5746
R 5745, R 5747.

Muskogee, Indian Territory, June 5, 1902.

A. L. Barton,
Chief, Texas,
Dear sir:

Receipt is hereby acknowledged of the following papers
offered in support of Mississippi Choctaw cases:

Marriage licenses and certificates between W. A. Barton
and Mrs. Alice Barton, and A. L. Barton and Leah Fowler, offered in
support of the application for identification as Mississippi Choctaws
of Albert L. Barton, et al.

Marriage license and certificate between Henry Barton and
Della Long, offered in support of the application for identification
as Mississippi Choctaws of Henry D. Barton, et al.

Marriage license and certificate between J. I. Barton and
Laura Foster, offered in support of the application for identifica-
tion as Mississippi Choctaws of James I. Barton, et al.

The same have been duly filed with the records in the above
named cases. The certified copy of marriage license and certificate
between R. A. Barton and S. B. Howell is herewith returned to you for
the reason that it does not appear from our records that any person
by the name of R. A. Barton has applied for identification as a

A.L.B. 2

Mississippi Choctaw. If you will give the name of the case in which this evidence of marriage should be filed, the matter will receive further consideration.

Yours truly,

Acting chairman.

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McMullen, Indian Territory, September 1, 1902.

Albert L. Barton,
Chief, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of John Newton Milbourn, et al., embracing the following applications for identification as Mississippi Choctaws:

John Newton Milbourn, et al.,	V.C.R. 3384
Alice White Kelen, et al.,	" 3385
Jess Barton,	" 4386
Rufus Barton, et al.,	" 5744
Henry D. Barton, et al.,	" 5745
Albert L. Barton, et al.,	" 5746
James I. Barton, et al.,	" 5747
Martha Bourne,	" 4384
Cora Lee Hill, et al.,	" 4385
Kate Barton,	" 4383
Belle Cole,	" 5743.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

*Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

A.L.H. #2.

Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Beris Killough, Jessie May Killough, Alice White Kolen, Marion Esther Kolen, Valife Edna Kolen, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Glycie Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Era Barton, Albert L. Barton, Derotha Barton, Johnnie Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Bourne, Cora Lee Hill, Minnie Florence Hill, Earnest Wesley Hill, Kate Barton, and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James H. Hasty,
Acting Chairman.

Registered.

M.C.R. 5746.

Muskogee, Indian Territory, December 28, 1902.

Albert L. Barton,
Chief, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

Acting Chairman.

M C R 5746

COPY

Muskogee, Indian Territory, November 10, 1906.

Albert L. Barton,
Chief, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

No. 5746.

For Identification as a Mississippi Choctaw.

Date Jan 10 1900
Name Albert L. Barton

Age 27 Blood 1/8

Post-Office, Chief, Texas.

Father: Nute Barton, (d)

Mother: Luey .. (d)

Claims through father
wife Leah Barton, w. l

No claim for wife -
child -

DEROTHA. " F. 2

Children: not nixed & 1 nep-
heir (of which he is
guardian).

Johnnie Barton "16 F 17

Father: John Barton, d. 1/8 cho. 11/2
Mother: Alice .. (d) w.

Oscar Barton, "16 M. 13

Father: William Barton, d. 1/8 cho. 1/2
Mother: Alice Barton (d) (cho mar-

ried 1st John Barton, & then
his brother, William - but
was broken up - applicant -

Stenographer

A. C. McMillan -

Choctaw MCR 5747

James I. Barton

See MCR 3384

MCR 5747

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 2, 1902.

5747

In the matter of the application of James I. Barton for the identification of himself and his minor child, Jesse Barton, as Mississippi Choctaws,

Applicant not represented by attorney:

James I. Barton being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James I. Barton.
Q What is your age? A Twenty four years old.
Q What is your post office address? A Chief, Kaufman County, Texas.
Q How long have you lived at Chief? A I have lived right there at Chief all my life.
Q Were you born there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A Nute Barton.
Q What was your mother's name? A Lucy.
Q You claim through which parent? A Father.
Q How much Choctaw blood do you claim? A An eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
By either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Have you proof of your father's and mother's marriage here? A No sir.
Q Do you know when and where they were married? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Laura Barton.
Q Living and a white woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A Yes, one.
Q What is the name? A Jesse.
Q Boy? A Yes sir.
Q How old is Jesse? A He will be two years old the 29th of August; he is a year old past.
Q About a year and nine months, isn't he? A Yes sir.

- Q You claim for yourself and child, do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q When and where were you married to your wife, Laura Barton?
- A In Kaufman County, Texas by a Justice of the Peace.
- Q When were you married to your wife? A In 1898.
- Q What day of the month? A 22nd day of October.
- Q By a minister under a license? A Yes sir.
- Q Have you proof of that marriage with you now? A No sir; its at Kaufman.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever before this application been before the Commission at any time or before the Choctaw tribal authorities to be enrolled as a Choctaw Indian? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
- A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty?
- A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Barton.
- Q What relation was he to you? A Grandfather.

- Q How much Choctaw blood did he have? A One half.
- Q Did he live in the old Choctaw Nation in Mississippi or Alabama in 1830? A Yes, that's what I have been taught.
- Q Can you tell in what county in Mississippi he lived? A No sir, I don't know in what county.
- Q Did he live there in 1830 and was he the head of a family there then? A That's what I have been taught.
- Q You claim through your father, Kute Barton? A Yes sir.
- Q How old would he be if living now? A I don't know.
- Q Was he born in Mississippi? A Yes sir.
- Q Where in Mississippi was he born? A I don't know for certain.
- Q Where did he die? A In Kaufman County, Texas.
- Q How old would he be if living now? A I don't know that.
- Q Do you know whether John Barton your grandfather claimed through his father or mother? A No sir, I don't know; I don't know anything about his father or mother either.
- Q You are quite sure that it is a matter of family history and tradition that he lived in Mississippi in 1830 and was the head of a family there then? A That's what I have always been taught.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A No sir, not that I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833, 1838 or 1840? A Not that I know of.

In 1837 under an act of Congress approved March 3, and in 1842 under act approved August 23, that year, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed by Congress was because a great many Indians who lived in the old Choctaw Nation after the treaty of 1830 was ratified stated that they had attempted to register their names with Col. Wm. Ward, the United States Indian agent, within six months from the ratification of that treaty, but that this agent, Col. Ward, had refused or neglected to enroll their names; this caused many Indians who held land in Mississippi or Alabama in the old Choctaw Nation upon which they had improvements to lose both, for the Government took both and sold them at Public Land and Sale.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits under that article of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.
- Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their rights under article fourteen and also proved that their lands which they had owned in the old Choctaw Nation had been taken from them and sold

by the Government. What relation is Jess Barton to you? A Brother.
Q He has been before the Commission to be identified as a Mississippian?
A Yes sir.
Q Do you want to have his case taken with yours? A Yes sir.
Q And also the cases of Kate Barton and Martha Bourne and Albert L. Barton and others? A Yes sir.

The case of Jess Barton-- 4386 is here referred to for the purpose of consolidation; the case of Martha Bourne, cousin of this applicant,-- M.C.R. 4384-- is here referred to.

Q Can you speak or understand the Choctaw language? A No sir.
Q Have you any other documentary evidence or any other evidence you want to present now-- any papers? A Yes, I have some papers.

The certificate of J.L. Rappolee, Notary Public in and for the Central District, Indian Territory, marked Exhibit "A"-- certified copy of affidavit of Alf Allen, marked Exhibit "B",-- certified copy of the ex parte affidavit of Gallie Barton, marked Exhibit "C",-- certified copy of the ex parte affidavit of T.P. Carlisle, marked Exhibit "D",-- certified copy of the ex parte affidavit of Belle Cole, marked Exhibit "E",-- certified copy of the ex parte affidavit of R. Rice, marked Exhibit "F",-- presented by this applicant, received and filed by the Commission, and made a part of the records in this case.

Q Is there anything more you want to say in support of this claim?
A Why, about my father's and mother's license-- would we have to send and get one for everyone of us?
Q If you have proof of the marriage of your father and mother filed in any one case that will be sufficient for proof of that fact for every applicant who is a member of that consolidated case; if your brother, Jess, has filed with his application proof of his father and mother's marriage and it is your father and mother you will get the benefit of that case; but of course proof of the marriage of the applicant himself that will have to be filed in his own case.

This applicant has the appearance and physical characteristics of being descended from white parentage: brown eyes, dark brown hair, medium fair complexion-- he is now somewhat tanned; he does not speak or understand Choctaw and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 2, 1902.

and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry H. Hains

Subscribed and sworn to before me this 13 day of June, 1902.

Charles H. Sawyer
Notary Public.

Miss. Chootaw R 5746
R 5745, R 5747.

Muskogee, Indian Territory, June 5, 1902.

A. L. Barton,
Chief, Texas,

Dear Sir:

Receipt is hereby acknowledged of the following papers
offered in support of Mississippi Chootaw cases:

Marriage licenses and certificates between W. A. Barton
and Mrs. Alice Barton, and A. L. Barton and Leah Fowler, offered in
support of the application for identification as Mississippi Chootaws
of Albert L. Barton, et al.

Marriage license and certificate between Henry Barton and
Della Long, offered in support of the application for identification
as Mississippi Chootaws of Henry D. Barton, et al.

Marriage license and certificate between J. I. Barton and
Laura Foster, offered in support of the application for identifica-
tion as Mississippi Chootaws of James I. Barton, et al.

The same have been duly filed with the records in the above
named cases. The certified copy of marriage license and certificate
between R. A. Barton and S. B. Howell is herewith returned to you for
the reason that it does not appear from our records that any person
by the name of R. A. Barton has applied for identification as a

A.L.B. 2

Mississippi Cheetaw, If you will give the name of the case in which this evidence of marriage should be filed, the matter will receive further consideration.

Yours truly,

Acting chairman.

AB 1-5

M.C.R. 5747

COPY.

Muskogee, Indian Territory, December 22, 1902.

James I. Barton,

Chief, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

Yarn D. Smith
Acting Chairman.

Waskom, Indian Territory, September 3, 1902.

James I. Barton,
Chief, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Millough, et al., embracing the following applications for identification as Mississippian

Choctaws:

John Newton Millough, et al.,	M.C.R. 3384
Alice White Rolan, et al.,	" 3385
Jess Barton,	" 4386
Rufus Barton, et al.,	" 5744
Henry D. Barton, et al.,	" 5745
Albert L. Barton, et al.,	" 5746
James I. Barton, et al.,	" 5747
Martha Bourne,	" 4384
Cora Lee Hill, et al.,	" 4385
Kate Barton,	" 4383
Belle Cole,	" 5743.

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands un-

J.I.B. #2.

der article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Beris Killough, Jessie May Killough, Alice White Kolen, Arion Esther Kolen Vallie Edna Kolen, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Clyde Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Mrs Barton, Albert L. Barton, Bertha Barton, Jennie Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Louane, Cora Lee Hill, Minnie Florence Hill, Earnest Wesley Hill, Kate Barton and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M O R 5747

COPY

Muskogee, Indian Territory, November 10, 1906.

James I. Barton,
Chief, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, requesting a rehearing of certain applications in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

No.

5747

For Identification as a Mississippi Choctaw.

Date

JUL 18 1880

Name James I. Barton,

Age 24 - Blood

'18

Post-Office, Chief, Texas,

Father: Nute Barton, d

Mother: Lucy, d

Claims through father -
wife, Laura Barton, l.w

No claim for wife -

Children:

Jerse Barton 4-m.
1-9

Claims for self &
child -

Stenographer H. H. Harris

Choctaw MCR 5748

Clarence W. Robinson

See MCR 5816, Supplemental 3995

MCR 5748

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 2, 1902.

5748

In the matter of the application of Clarence W. Robinson for
identification as a Mississippi Choctaw.

No attorney for applicant:

Clarence W. Robinson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Clarence W. Robinson.
Q What is your age? A Twenty three.
Q What is your post office address? A Jaunita (Juanita) Choctaw
Nation.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A About one month now; I did live
at Wayne, Indian Territory Chickasaw nation.
Q How long have you lived in Indian Territory altogether? A Since
1893.
Q Where before that? A Kansas.
Q Where were you born? A In Missouri.
Q And from there you went to Kansas? A Yes sir.
Q And from Kansas to the nation? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A John C. Robinson.
Q What is your mother's name? A Corrella Robinson.
Q C-o-r-r-e-l-l-a? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My father
Q How much Choctaw blood do you claim? A A sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or en-
rolled as one by either the Choctaw tribal authorities or the author-
ities of the United States in the Indian Territory? A No sir.
Q Have you proof of the marriage of your father and mother here?
A No sir; not with me; I can produce it in a short time.
Q Within a week could you? A Yes sir. My father I think will be
here himself to make application this week.
Q We haven't been before the Commission yet then? A No sir.

- Q Are you married? A No sir; yes sir.
 Q What is your wife's name? A Frances Robinson now.
 Q Is she a white woman and living? A Yes sir.
 Q Do you make any claim for her? A No sir.
 Q Have you any children? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Is this the first application of any kind that you have ever made to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A Yes sir.
 Q You never have been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities in the Indian Territory? A No sir.
 Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article four teen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A Yes sir.
 Q You don't care to have it further explained? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant-in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw Indian citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article of that treaty? A I don't know.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Cloud was my great great grandmother.
 Q C-l-o-u-d? A Yes sir.
 Q Did she live in Mississippi in 1830? A I don't know.
 Q Did any of your ancestors live there in the old Choctaw nation in 1830? A None that I knew of.
 Q Did any of your Choctaw ancestors live there in that old Choctaw Nation in 1830 and have children there at that time? A None that I know of.

Q I mean were they heads of families there then in the old Choctaw Nation in 1830? A I can't tell you.

Q How old would Mary Cloud be if living now? A I don't know; my great great grandfather married her in 1750 I believe.

Q She would be pretty old wouldn't she in 1830? A I think that's what the family record says.

Q I want you to give me the name if you can of the one who lived in the Choctaw nation in Mississippi or Alabama in 1830 and had a family of children there then; that is coming down quite a way from Mary Cloud who married in 1750. A Well, I can't tell.

Q Well you claim through your father, John C. Robinson. A Yes sir.

Q He is living now? A Yes sir.

Q How old is he now? A I can't say; I think about fifty three.

Q Did he ever live in Mississippi or Alabama? A Not that I know of.

Q Where was he born? A In Kentucky I think.

Q When was he born in Kentucky-- fifty three years ago? A I can't tell you; I guessed about that.

Q Did he always live in Kentucky? A No sir; he went to Missouri and Missouri to Colorado and from Colorado to Texas and from Texas back to Missouri and then to Kansas.

Q And he never went into Mississippi or Alabama in any portion of his life? A Not that I know of.

Q How he claims through which parent? A His father.

Q What was his father's name? A William Robinson.

Q Did William Robinson ever live in the old Choctaw nation in Mississippi or Alabama? A I can't tell you.

Q Did you ever hear it in the family at all? A No sir.

Q This William Robinson is your grandfather? A Yes sir.

Q And you never heard that he lived in Mississippi or Alabama in the old Choctaw nation? A I never did.

Q He claimed through which parent? A His father.

Q That is your great grandfather? A Yes sir.

Q What was his name? A Thomas R. Robinson.

Q Did he ever live in the old Choctaw nation in Mississippi or Alabama? A I don't know.

Q Did he claim through his father? A Yes sir.

Q And his father was named what? A John Robinson.

Q Did he ever live in Mississippi in the old Choctaw nation in 1830 and have a family there then? A I don't know.

Q Was John Robinson's mother Mary Cloud; whom did John Robinson claim through? A That is as far back as I go; John Robinson married Mary Cloud; that was her maiden name and she was full blood.

Q Now you haven't given me the name of your Choctaw ancestor who lived in the old Choctaw Nation in 1830 or any other time? A No sir.

Q One of the absolute requisites in the evidence of Mississippi Choctaw claimants, without which they cannot possibly establish a right under article fourteen, is to show that they are descended from Mississippi Choctaw ancestors who lived in that old Choctaw nation at a time when they could and did take advantage of the provisions of article fourteen of the treaty of 1830, and not only lived there then but had a family of children, that is, were the head of a family at the time of the ratification of that treaty or within six months after; for article fourteen says: "Each Choctaw head of a family being desirous to remain and become a citizen of the States"- now do you think you can prove that? A I don't know; I can within a short time if its to be proved at all.

Q Do you think you can in thirty days? A Yes sir.
 Q Well, you will be allowed thirty days in which to show that if you possibly can. You claim according to this statement that you have made out in writing, but which has not been certified to that in the year 1750 about, one John Robinson married Mary Cloud a full blood Choctaw Indian, do you? A Yes sir.
 Q And that among other children born to them was your great grandfather Thomas Robinson? A Yes sir.
 Q And he married whom? A Mary McNeill.
 Q She was a white woman? A Yes sir.
 Q And to them was born among other children-- A William Robinson, my grandfather.
 Q And whom did he marry? A A.C. Murphy
 Q She was a white woman? A Yes sir.
 Q And to them was born among other children--? A John C. Robinson.
 Q Is that your father? A Yes sir.
 Q And what was the name of his wife? A Cornella Hines.
 Q Your mother? A Yes sir.
 Q You are not able to give the name of any one of your Choctaw ancestors who lived in the old Choctaw Nation in 1830 or any time?
 A No sir.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1836? A I don't know.
 Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I can't tell you.
 Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?
 A I can't say.

In 1837 by an act approved March 3, that year, and also in 1842 by act of August 23, that year, Commissions were appointed which went to Mississippi and heard claimants under that article of that treaty; the reason why these Commissions were appointed was because of the fact that in 1832 within six months after the ratification of the treaty a great many Choctaw Indians endeavored to register their names with Col. Ward the United States Indian agent at his office according to the provisions of article fourteen but that he refused to register their names. This caused many Indians who had land in the old Choctaw nation upon which they had improvements to lose both for they were sold by the Government at Public and Sale.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
 Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir; I don't know.

Q This scrip was issued under act of Congress approved August 23, 1842 and was given to the Choctaw claimants who proved their rights under article fourteen and also that their land had been taken from them and sold. Do you speak or understand that Choctaw language? A No sir.

Q You never heard directly or indirectly that any ancestor of yours ever lived in that old Choctaw nation? A No sir, I never heard.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir; I have an aunt, my father's sister by the name of Mary Stuart.

Q When did she come before the Commission? A I can't say.

Q Was it this year? A I think it was: my father's first cousin, Maggie Johnson was also before the Commission but I don't know when.

Q Did they come to be identified as Mississippi Choctaws? A Yes sir.

Q How is William Robinson related to you---A The father of Mary Stuart.
My father's sister.

M.C.R. 1201.

Q So that Thomas Robinson would be how related to you? A My great grandfather.

Q Now Mary Stuart in her testimony given before the Commission at Atoka, Indian Territory, December 11, 1900, testified as follows: "Where was your father born?" A In Mississippi."

Now who would her father be; how related to you? A He would be my grandfather; she is my father's sister.

Q Well, she said he was born in Mississippi- what do you know about that? A I don't know a thing about that; my father may know something.

Q Then the question was: "When did he leave Mississippi? A I don't know that date- I don't know what year." That's all that she testified as to any ancestor of yours having lived in Mississippi; and you cannot add to that testimony in any way can you? A No sir.

Q Do you want to have the testimony and record made in the application of Mary Stuart and other relatives who claim through the same common ancestor considered with yours and grouped under the head of Mary Stuart, M.C.R. 1201? A I guess so.

Q You don't speak or understand the Choctaw language? A No sir.

Q Is there anything more you want to say now in support of this claim? A I guess not; no more than that I will send affidavits and other testimony in writing right away that I may produce.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown eyes, dark brown hair, medium fair complexion, somewhat sunburnt; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the five Civilized tribes he reported in full

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the proceedings had in the above entitled cause on June 2, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Hains

Subscribed and sworn to before me this 11 day of July, 1902.

Guy L. V. Emerson
Notary Public,

Muskogee, Indian Territory, January 15, 1903.

Clarence W. Robinson,

Jaunite, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Robinson, et al., embracing the following applications for identification as Mississippi Choctaws:

John C. Robinson,	M C R 5816
Charles F. Robinson, et al.,	M C R 5817
Clarence W. Robinson,	M C R 5748

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Robinson, Charles F. Robinson, Myrtle Robinson and Clarence W. Robinson, as Choctaw Indians entitled to rights

C W R-2.

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

I. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M.O.R. 5748.

Muskogee, Indian Territory, April 27, 1903.

Clarence W. Robinson,
Oklahoma City, Oklahoma.

Dear Sir:

You are hereby notified that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Robinson, et al., of which decision you were advised by registered mail, on the 15th day of January, 1903.

Respectfully,

SIGNED: *Tame Kirby*
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 2 1904

Name Clarence W. Robinson

Age 23 — Blood 1/16

Post-Office, Jaunita, I. T. —

Father: John C. Robinson, l.

Mother: Corrella .. l.

Claims through father —
 wife, Frances Robinson, w. l.
 No claim for wife —

Children:

Claims only for
 himself —

Stenographer H. G. Harris

Choctaw MCR 5749

Effie I. Bills

See MCR 5573

MCR 5749

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 2, 1902.

5749

In the matter of the application of Frank Effie I. Bills for the identification of herself and her minor child, Dessie Bills, as Mississippi Choctaws.

W.M. Harrison, attorney for applicant:

Effie I. Bills, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Effie I. Bills.
Q What is your age? A Twenty nine.
Q What is your post office address? A Cardell, Oklahoma.
Q How long have you lived there? A Eight years.
Q How long have you lived in Oklahoma? A Eight years.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Mississippi.
Q What place in Mississippi? A Panola County.
Q From there you went where? A Texas.
Q How long did you live in Mississippi before you went to Texas?
A I was three years old.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A James R. Bell.
Q What is your mother's name? A Martha Lucy Bell.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A I don't know.
Q How much does your father claim? A Grandfather claimed a fourth.
Q Your father would be a half of that, wouldn't he? A Yes sir.
Q One half of a quarter is one eighth and if your father had one eighth Choctaw blood you would have a half of that, wouldn't you?
A Yes sir.
Q And one half of an eighth is one sixteenth; do you think you claim that? A No answer.
Q Was your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q I mean by that is his name upon the tribal rolls of the Choctaw Nation; you never heard it, did you? A No sir.
Q Have you proof of the marriage of your father and mother with you?
A No sir. (attorney says the father has already filed and his testimony is with the Commission here.)

Q Your father is an applicant then, as a Mississippi Choctaw, is he?
A Yes, sir.
Q Do you know when he came before the Commission? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A J.P. Bills.
Q B-i-l-l-s? A Yes sir.
Q He is living and a white man, is he? A Yes sir.
Q He has no Choctaw blood? A No sir.
Q You don't make any claim for him? A No sir.
Q Are you sure that your grandfather had one quarter Choctaw blood?
A That's what my father always told me.
Q Do you claim a sixteenth? A Yes sir.
Q One sixteenth is right provided your grandfather was a quarter; the only question is if you are sure that he was a quarter; and you say you get that from your family? A Yes sir.

Examination by W. V. Harrison, attorney:

Q Now with reference to your Choctaw blood what is your information as to how much blood your great grandfather or your grandfather claim?
A Well, I don't know nothing only what my father said; that his grandfather was a half.
Q That would make your great grandfather a half blood Indian? A Yes sir.
Q And you derive this information from your father, from what your father has always told you that his grandfather was a half blood Choctaw? A Yes sir.

Examination by the Commission:

Q Have you any children you want to apply for? A I have one.
Q What is the name of that child? A Dossie Bills.
Q Girl? A Boy.
Q How old is Dossie? A Seven years old.
Q That is all the children you have? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Is J.P. Bills the father of this child? A Yes sir.
Q And you and he and the child live at your home? A Yes sir.
Q Were either of you married before? A No sir.
Q Have you made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for yourself and child for citizenship in the Choctaw Nation at any time previous to this present application? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your child by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

- Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A --
- Q I guess you do. A (Prompted by attorney she says yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830; the object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw nation from that Choctaw nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the provisions of the treaty of 1830 and in order to protect the interests of those people who stayed back there in the old nation article fourteen was drafted and put into the treaty; article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now well enough to claim under it, do you think? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Give me the name of your ancestor who lived in Mississippi or Alabama in 1830 if you can and who had Choctaw blood. Do you claim through your grandfather, grandmother, great grandfather or-- whom do you claim through? A My father.
- Q You cannot go back farther than your father? A No sir, I don't know anything about my grandfather; only what my father's told me.
- Q Well, hasn't he told you the name of the one you claim through? A His grandfather.
- Q What did he say his name was; you can tell anything your father told you about it? A I don't know.
- Q Then you claim through your father, James Bell? A Yes sir.
- Q Has he been before the Commission? A Yes sir.
- Q When did he come here, do you know? A No sir.
- Q Your father claims through his grandfather, John Bell, but you don't know anything about that? A No sir.
- Q James Bell, your father, on May 16, 1902, at Muskogee, Indian Territory, made application did he not, to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you want to have your case consolidated with his when the cases are considered by the Commission? A Yes sir.

M.C.R. 5573 is here referred to for the purpose of consolidation of these cases.

Q Now, you cannot go back of your father, James pell, to name any of his Choctaw ancestors? A No sir.

Q You don't know whether any of them lived in Mississippi or what were their names? A No sir, I don't know anything about it.

Q You rather depend upon the testimony of other relatives then your own knowledge for that information, do you? A Yes sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A Not that I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of this treaty go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi river to the Choctaw nation, Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830? A I don't know.

In 1837 and 1842 Commissions were appointed by various acts of Congress to go to Mississippi and hear claimants under article fourteen of the treaty of Dancing Rabbit Creek; the reason was that complaints were made by the Choctaw Indians who said that they had gone to Col. Ward within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States but that he had failed to put their names down upon any list made by him known as Ward's register and therefore these Indians lost their land; the Government took it from them and sold it.

Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed benefits as Choctaw Indians under article fourteen of that treaty? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, Do you speak or understand the Choctaw language? A No sir.

Q Is there anything further you want to say now in support of your claim? A No sir.

Examination by W.M. Harris, attorney for applicant:

Q If you have ever heard your father or any other member of your father's family refer to your great grandfather as a Choctaw Indian, please state the name of your grandfather or your great grandfather.

A I don't know nothing about my great grandfather; my grandfather was D.M.Bell.

Q What did you ever hear your father say about your grandfather being Choctaw Indian? A I just heard him say that his father told him that he had Choctaw blood.

Q That he was a Choctaw? A Yes sir.

Q I believe that's all, if your Honor please.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, medium dark complexion, black hair. she does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

(Attorney for applicant asks for thirty days time in which to introduce further testimony; it is granted.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 2, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11 day of July, 1902.

Gay L. V. Emerson

Notary Public.

Muskogee, Indian Territory, January 6, 1903.

Effie I. Bills,

Gardell, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

James R. Bell, et al.	M.C.R. 5573
Effie I. Bills, et al.	M.C.R. 5749
Demarious L. Thompson	M.C.R. 5750
Maggie L. Brown, et al.	M.C.R. 5751

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James R. Bell, Frank L. Bell, Lillie Bell, Dan Bell, Effie I.

Effie I. Bills, --2

Bills, Dossie Bills, Demarious L. Thompson, Maggie L. Brown and Earl Brown as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jane Dixby.
Acting Chairman.

Registered.

M.C.R. 5749.

COPY

Muskogee, Indian Territory July 11, 1903.

Effie I. Bills,

Cordell, Oklahoma.

Dear Madam

You are hereby notified that on the 18th day of May, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James R. Ball, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name Effie L. Bills -

Age 29 - Blood 1/16 -

Post-Office, Cordell, Okla.

Father: James R. Bell, - l.

Mother: ^{mother} Lucy " - l.

Claims through father - -

^{husband} J. P. Bills, l. w.

No claim for husband

Children:

Kossie Bills, M. 7.

Claims for self &
~~children~~ choice.

Stenographer K. G. Kaim.

Choctaw MCR 5750

Demarious L. Thompson

See MCR 5573

MCR 5750

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 2, 1902.

575 0

In the matter of the application of Demarious L. Thompson for
identification as a Mississippi Choctaw.

W.M. Harrison, attorney for applicant:

Demarious L. Thompson being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Demarious L. Thompson.
Q What is your age? A Twenty four.
Q What is your post office address? A Childress Texas.
Q How long have you lived there? A Three months.
Q Where were you born? A Texas.
Q Have you always lived in Texas? A Yes sir.
Q Where in Texas were you most of your life? A Johnson County.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A James R. Bell.
Q What is your mother's name? A Martha Lucy Bell.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I guess I claim a sixteenth.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Do you know when and where your father and mother were married?
A In Mississippi.
Q Do you remember the date and place? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A A.J. Thompson.
Q Is he living and a white man? A Yes sir.
Q He has no Choctaw blood? A No sir.
Q You don't make any claim for him? A No sir.
Q Have you any children you want to make application for? A No sir.
Q You just claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Na-

tion to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever up to the present time? A No.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

It reads as follows: "each Choctaw head of a family being desirous to remain and become a citizen of the State shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Not as I know of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A James R. Bell.

Q That is your father, isn't it? A Yes sir.

Q Do you know whether he lived in Mississippi or Alabama in 1830?

A He lived in Mississippi.

Q In 1830? A No sir.

Q He has made application to be identified as a Mississippi Choctaw, hasn't he? A Yes sir.

The records show that, on May 16, 1902, the father of this applicant James R. Bell appeared before the Commission at Muskogee, Indian Territory, and there made application to be identified as a Mississippi Choctaw: M.C.R. 5573.

Q Do you want to have the testimony given by your father in that application now considered with your own and consolidated with yours?

A Yes sir.

Q Now your father could not have been the Mississippi Choctaw ancestor of yours who lived in the State of Mississippi in 1830 and who had a family here then and who attempted to comply with article fourteen of the treaty of 1830, could he? A No sir.

- Q How old is your father now? A Sixty one.
- Q We could not have lived there in 1830, could he? A No sir.
- Q Can you give me the name of your Mississippi Choctaw ancestor who lived there in 1830? A No sir.
- Q What makes you think you had one? A Cause he said he did.
- Q Who did your father say lived in Mississippi in 1830 and was the head of a family there then? A His father may be.
- Q What was his father's name? A D.N. Bell.
- Q Well, then, don't you claim through D.N. Bell? A Yes sir.
- Q Now he is your grandfather? A Yes sir.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Did he have a family there then-- in other words, was he the head of a family in Mississippi in 1830? A Yes sir.
- Q You have been told so have you? A Yes sir.
- Q How old would he be if living now? A I don't know.
- Q Where was he born? A I don't know.
- Q When was he born? A I don't know.
- Q When and where did he die? A In Mississippi.
- Q Where in Mississippi? A I don't know.
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know that.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know.

Those Choctaws who lived back there in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. Ward who had an agency in Mississippi at that time and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Indians did this whose names Col. Ward failed to put upon his list known as ward's register and therefore a great many Indians lost land in Mississippi and Alabama because the government took it and sold it; and then they made complaints; these complaints became so numerous that Congress appointed two Commissions-- one in 1837 and one in 1842 and these Commissions went to Mississippi and heard claimants under article fourteen of that treaty. One Commission was appointed under an act of Congress of March 3, 1837 and the other appointed under act approved August 23, 1842; both of these Com-

missions went to Mississippi and made lists of the names of all the Choctaw Indian claimants who came before each one respectively.

Q Did any of your Choctaw ancestors go before the Commission of 1837 or 1842 and claim any benefits as Choctaw Indians? A I don't know.
Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.
Q Do you speak the Choctaw language? A No sir.
Q Is there anything more you want to say in support of this claim? A No sir.
Q Have you any evidence you want to introduce now or would you like time? Attorney asks for thirty days time in which to produce such testimony as he may be able to secure. It is granted.)

Examination by W. H. Harrison

Q I want to call her attention to one statement; do you have any recollection of your father's speaking of his grandfather? A I have
Q remember what name he called him? A No sir.
Q Was it John or James Bell? A U-- it was John Bell.
Q Can you remember now of having heard your father refer to his grandfather, John Bell? A Yes sir.
Q Have you any recollection of his having spoken of him as Indian? A Yes sir.
Q What kind? A Choctaw.
Q How much Choctaw blood did he have? A A half.
Q I believe you stated you claimed a sixteenth? A Yes sir.
Q If you stated that you claim through your father and grandfather you still now that your great grandfather was John Bell who claimed to be half breed Choctaw Indian- you were mistaken in that and you claim now through your great grandfather John Bell who is the common ancestor? A Yes sir.
Q What's all.

(By the Commission)

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, black hair and medium dark complexion; she does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Sub Henry S. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 2, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 11 day of July, 1902.

Henry S. Hains
Guy L. Emerson
Notary Public.

COPY

Muskogee, Indian Territory, January 6, 1903.

Demarius L. Thompson,
Childress, Texas.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Bell, et al., on receiving the following applications for identification as Mississippi Choctaws:

James R. Bell, et al.	M.C.R. 5573
Effie I. Ellis, et al.	M.C.R. 5749
Demarius L. Thompson	M.C.R. 5750
Maggie L. Brown, et al.	M.C.R. 5751

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James R. Bell, Frank L. Bell, Lillie Bell, Dan Bell, Effie I.

Demarious L. Thompson,--2

Bills, Dossie Bills, Demarious L. Thompson, Maggie L. Brown and Earl Brown as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dixon

Acting Chairman.

Registered.

M.C.R. 5750.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Demarious L. Thompson,
Childress, Texas.

Dear Sir:

You are hereby notified that on the 18th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James R. Bell, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name

hemarious L. Thompson
(a woman, b. b. h. h. h.)

Age

24 -

Blood

1/16

Post-Office,

Childress, Texas.

Father:

James R. Bell.

b.

Mother:

Martha L. "

b.

Claims through

~~husband~~ father - -

A. J. Thompson. - b. w.

No claim for husband -

Children:

claim for res alone.

Stenographer

H. L. H. H. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 10 1903

[Handwritten signature]

RECEIVED
ACTING CHIEF

MAR 9 1903

MUSKOGEE, IND. TER.

not seen

RETURN TO WRITER

UNCLAIMED.

Demarious L. Thompson,

~~CHIEF TOLSON~~



RETURN TO WRITER

RETURN TO WRITER 552

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Choctaw MCR 5751

Maggie L. Brown

See MCR 5573

MCR 5751

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 2, 1902.

5751

In the matter of the application of Maggie L. Brown for the identification of herself and her minor child, Earl Brown, as Mississippi Choctaws.

W.M.Harrison, attorney for applicant:

Maggie L. Brown, being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Maggie L. Brown.
Q What is your age? A Twenty two.
Q What is your post office address? A Stout, Oklahoma.
Q How long have you lived at stout? A Four years.
Q Where did you live before that? A In Texas.
Q Where-- did you always live in Texas till you went to Stout?
A Yes sir.
Q Where in Texas did you live most of the time? A In Johnson County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your mother's name? A Martha L. Bell.
Q What is your father's name? A James R. Bell.
Q Through which parent do you claim your Choctaw blood? A Father.
Q How much do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities in the Indian Territory or the United States authorities?
A Not that I know of.
Q Have you proof of the marriage of your father and mother now?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A A.J. Brown.
Q Is he a white man and living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children? A Yes, one.
Q What is the name of that child? A Earl--(boy).
Q How old is Earl? A One.
Q You just claim for yourself and this boy? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities- or have you to the Dawes Commission under the act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir; not that I know of.
- Q Is this the first application you have ever made to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now want to be identified with your child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? That article that I have quoted so many times? (Attorney says yes.)
- Q You hear that your attorney says you claim under it do you? A Yes; I do.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Rancing Rabbit creek; the object of that treaty was to remove all the Choctaw Indians from the old Choctaw Nation East of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and therefore in order to protect the interests of those who wanted to stay back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty? A No sir, I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Through my grandfather D.N. Bell.
- Q Did D.N. Bell live in Mississippi or Alabama? A He lived in Mississippi.

Q Did he live there in 1830? A No sir, he didn't.
 Q Did you ever hear that he lived there at the time the treaty of 1830 was signed? A No sir.
 Q Do you know whether he had any children living with him in the old Choctaw nation in Mississippi or Alabama in 1830? A No sir.
 C Can you give the name of any ancestor of yours who lived in the old Choctaw nation in 1830? A No sir, I don't know.
 Q Do you know whether your father used to live in Mississippi or not? A Yes, he did.
 Q What was his age when he left it? A I don't know.
 Q Was D.N. Bell married there? A I can't say.
 Q How old would D.N. Bell be if living now? A I can't say.
 Q When and where did he die? A In Mississippi, I don't know when.
 Q Did he live in any other State than in Mississippi? A I don't know.
 Q You don't know very much about it do you? A No sir.
 Q Do you know whether he claimed his Choctaw blood through his father or mother? A Through his father.
 Q Do you know his father's name? A No sir.
 Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in 1830? A I can't say. I don't know.
 Q Your father is how old? A Sixty one.
 Q And born in Mississippi? A Yes sir.
 Q Now, did he have any older brothers or sisters? A Yes sir he had an older brother.
 Q How much older-- ten or fifteen years? A I can't say.
 Q How much older? I want to find out if his father, D.N. Bell didn't live in Mississippi in 1830; 61 years ago your father was born in Mississippi; don't you know whether D.N. Bell was living in Mississippi and had a family there seventy two years ago, in 1831 or '32 somewhere in there? That's only a few years back of the time when your father was born? A I don't know.
 Q But don't you know how much older his brother was than he? A No sir; I never heard him say.
 Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in 1830 under article fourteen of the treaty of 1830? A Not that I know of.
 Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say.
 Q Did any of your Choctaw ancestor own any improvements on land in Mississippi or Alabama in 1830? A I can't say; I don't know.
 Q Did any of them go from the old Choctaw Nation to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1836 or 1840? A I can't say.

The Mississippi Choctaw Indians who lived in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was ratified were required by the treaty to take advantage of article fourteen of that treaty to go to the United States Indian agent Col. Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a great many Choctaw Indians did this whose names Col. Ward neglected to put upon his list known as Ward's register and his neglect to do so caused many Indians who had lands there and improvements to lose both; they were taken from them by the Government and sold. This caused so many complaints among these Choctaw Indians that in 1837 by an act approved March 3, that

year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; another Commission was appointed by Congress for the same purpose under act of August 23, and this Commission also went to Mississippi and heard claimants under article four teen of the treaty of 1830.

Q no you know if any of your Choctaw ancestors went before either the Commission of 1837 or that of 1842 and claimed benefits as Choctaw Indians under that article of that treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw ancestors proved his rights under article fourteen, if he also proved that land had been taken from him by the Government and sold that he might select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.

Q Your father, James R. Bell has been before the Commission, has he not, to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you want to have his case consolidated with yours when -in order that you may get the benefit of what he has testified to?

A Yes sir.

Q And also other relatives claiming through the same common ancestor

A Yes sir.

The case of James R. Bell et al., W.C.R. 5563, is here referred to for the purpose of consolidation.

Q Have you any other evidence you would like to introduce now in support of this claim? A No sir.

Q Do you want a little more time? (Attorney asks for thirty days-- it is granted.)

Examination by W.M. Harrison:

Q Did you ever hear your father speak anything about his grandfather

A Yes sir.

Q Do you remember what he called him? By what name? A John I believe.

Q John what? A I don't know.

Q John Bell or Buell-- A John Bell.

Q Did you ever hear him say anything about his grandfather, your great grandfather being Indian? A Yes sir.

Q What tribe of Indians? A Choctaw.

Q Where did he say he lived? A In Mississippi.

Q About when did he say he lived there? A I can't say, I have--

Q Was it in late years or away back there sometime? A Way back I guess.

Q Did you ever hear how much blood your great grandfather claimed to have? A A half.

Q What he was a half breed Choctaw Indian? A Yes sir.

Q Now, in stating a few moments ago that you claim from your grandfather you intended to state-- did you or did you not-- that you claimed through your common ancestor, John Bell, the father of your grandfather? A Yes sir.

Q And if you made that statement a few moments ago, you were mistaken about that? A Yes sir.

Q What's all.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, medium fair complexion--

Q Do you speak Choctaw? A No sir.

--she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article four teen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 2, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11 day of July, 1902.

Wm L V Emerson
Notary Public.

Muskogee, Indian Territory, January 6, 1903.

Maggie L. Brown,

Stout, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

James R. Bell, et al.	M.C.R. 5573
Effie I. Hills, et al.	M.C.R. 5749
Demarious L. Thompson	M.C.R. 5750
Maggie L. Brown, et al.	M.C.R. 5751

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

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Maggie L. Brown,—2

Bills, Dossie Bills, Demarious L. Thompson, Maggie L. Brown and Earl Brown as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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Respectfully,

Tamm Dixie
Acting Chairman.

Registered.

M.C.R. 5751

COPY.

Muskogee, Indian Territory, July 11, 1903.

Maggie L. Brown,
Stout, Oklahoma.

Dear Madam:

you are hereby notified that on the 18th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James R. Bell, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name Maggie L. Brown

Age 22

Blood

1/16

Post-Office, Slout, Okla.

Father: James R. Bell, C.

Mother: Martha L. " C.

Claims through father - -

husband

A. J. Brown, l.w.

No claim for husband.

Children:

Earl Brown no. 1

Claims for self
and son.

Stenographer K. G. Hains

Choctaw MCR 5752

Gordon Phipps

MCR 5752

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Gordon Phipps, et al.,
for identification as Mississippi Choctaws, W.C.R. 5752.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In Re-application. Gordon Phipps for Identification
as a Mississippi Choctaw Indian.

Claim pending before the Commission to the Five Civilized Tribes.

Before the undersigned authority, came this day Gordon Phipps applicant for identification as a Mississippi Choctaw Indian who being sworn says: That he has filed with said Honorable Commission to the Five Civilized Tribes certain interrogatories to Caroline Phipps, who resides in Hartford County, Ky., and who is a non-resident of the Indian Territory and also a non-resident of the State of Mississippi; and also is unable from age and infirmity to personally appear before the Honorable Commission to the Five Civilized Tribes.

Applicant further now shows that the testimony of said above named witness is material to his claim, and to the proof and establishment thereof; that by said witness he seeks to prove that he is a lineal descendant of Nancy Johnson, who was a Mississippi Choctaw and included in or embraced by the Act of Congress which resulted in the treaty between the Government and the Mississippi Choctaws concluded September 27th, 1830; that the said Nancy Johnson was applicant's grandmother and is now dead, and that she resided in Mississippi in 1830 and prior thereto and was a Choctaw Indian; that the foregoing is the substance of the testimony sought to be elicited from said witness as will appear from an inspection of the interrogatories to her herein filed and here referred to and made a part hereof.

Sworn to and subscribed before me this 27th day of January, 1903.

M. C. R. 5752.

Gordon Phipps
Clyde Harle
Notary Public, Navarro County, Tex.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 3rd, 1902.

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In the matter of the application of Gordon Phipps for the
for the identification of himself and his two minor children,
Minnie L. and Ora D. Phipps, as Mississippi Choctaws.

J. C. Lowry attorney for applicant.

Gordon Phipps being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Gordon Phipps.
Q What is your age? A Forty-three.
Q What is your post office address? A Corsicana, Texas.
Q How long have you lived there? A Well, I---off and on---been
in and out there for ten years.
Q Where were you born? A Kentucky.
Q At what place? A Hartford.
Q How long did you live in Kentucky? A Until I reached my
twentieth year.
Q And you went where? A Different places.
Q Where? A I lived seven or eight years in Nashville, Tennes-
see.
Q And from there? A There to Brown, Texas, and to Dallas,
Texas, and stayed there some months, and to El Paso.
Q How long did you stay in El Paso? A Two or three months; and
then I was in Juarez, Mexico.
Q How long have you lived in Texas; how many years? A Well, I
have been there ten years.
Q It's been roughly your home during that time? A Yes sir.
Q You travel about? A Yes sir.
Q What business? A I am a physician.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Woodford Phipps.
Q What is your mother's name? A Caroline Phipps.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A I suppose quarter.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or by the United States authorities in Indian Terri-
tory? A Not that I know of.
Q Are you married? A Yes sir.

#2.

- Q What is your wife's name? A Sarah M. Phipps.
Q Is she a white woman and living? A Yes sir.
Q You don't make any claim for her do you? A No sir.
Q You say she's a white woman? A Yes sir.
Q Have you any colored blood? A None that I know of.
Q What was your father's blood? A White.
Q He was all white was he? A Yes sir.
Q And your mother's blood was what? A Indian and white.
Q Have you any children you want to make application for?
A I have two.
Q What is the name of the eldest? A Minnie L.
Q How old is she? A Eighteen.
Q She's not married is she? A No sir.
Q What is the name of the next child? A Ora D.
Q Both girls? A Yes sir.
Q What is her age? A Sixteen.
Q That's all is it? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir, not before to-day.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q And your children haven't been have they? A No sir.
Q Neither has application ever been made for them either to the Dawes Commission or the Choctaw Tribal authorities for enrollment as citizens? A No sir.
Q Is this the first application that you have ever made for enrollment for yourself and children either to the Dawes Commission or the Choctaw tribal authorities? A Yes sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I don't know that I understand it fully.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty made at that time was to remove as far as possible all of the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. The treaty was then signed and afterwards ratified on the 24th day of February, 1831. It reads as follows:

#3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes sir, I believe.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty? A I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What was her name? A Nancy Johnson.
- Q How much Choctaw blood did she have? A Full blood, so I have been told.
- Q Was that her married name or her maiden name? A I think it was her maiden name.
- Q Who did she marry? A Mosley.
- Q What was his first name? A From what I can remember I think it was Henry.
- Q White man? A I suppose so; I don't know.
- Q Never heard what his blood was? A No sir; I think though, if I mistake not, he was Irish.
- Q Did Henry Mosley and his wife Nancy live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did you ever hear in the family that they lived in Mississippi?
- A No sir, I only heard that they came from Mississippi.
- Q Then you do claim that you had a Choctaw ancestor who lived in Mississippi? A Yes sir.
- Q How did you ever hear that you had a Choctaw ancestor who lived in Mississippi in 1830? A No sir.
- Q You claim through your mother Caroline? A Yes sir.
- Q How old is she? A Upwards of sixty-five now.
- Q She hasn't been before the Commission? A No sir.
- Q Have any of your relatives been before this Commission at all?
- A None that I knew of. I was out to see my mother in March and she was not able to come.
- Q Where was she born? A I think Mississippi if I am not mistaken.
- Q She claims through which parent, father or mother? A Mother.

#4.

- Q Her mother's name was what? A Nancy Johnson.
- Q And your mother's maiden name was Caroline Mosley? A Yes sir.
- Q And you think your mother was born where? A Mississippi.
- Q What makes you think that? A From hearing her speak of Mississippi.
- Q At what age did she leave Mississippi? A I don't know.
- Q When she left Mississippi did she come directly to the Choctaw Nation or where did she go? A Kentucky.
- Q Where did she die; your grandmother? A Died in Kentucky.
- Q She didn't come to the Territory at all then? A Not that I know of. I have heard her speak when I was a little fellow of being among the Indians.
- Q Did your mother whom you say was born---sixty-five---do you know whether she had an older brother or sister? A She had an older sister.
- Q How much older? A Never saw her.
- Q Don't know whether that older sister was born in Mississippi?
- A No sir, I heard my mother speak of her older sister who died years ago.
- Q Have you any reason to believe from anything you have heard in the family that Nancy Mosley or Johnson who was a full blood Choctaw through whom you claim, lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't know.
- Q Do you know whether she claimed through her father or mother or both? A I don't know; she claimed to be full blood Choctaw.
- Q Do you know her father's name? A I don't know; I suppose it was Johnson, though.
- Q Did you ever hear her mother's name? A No sir; if I did I don't remember it.
- Q You are not able to say then whether any Choctaw ancestor of yours lived in Mississippi in 1830 and was the head of a family there then? A They came from Mississippi; that's all I know; from Mississippi to Kentucky, and I have heard that spoken of several times, but I don't know just what brought them out of Mississippi.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A None that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830?
- A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.
- Q Did any of your ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.

In 1837, as well as in 1842, under various acts of Congress, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was

#3.

because of the complaints of a great many Choctaw Indians who stated that they had gone to Colonel Wm. Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and endeavored to register under article fourteen at that time, but that Colonel Ward had refused to register their names; and as a result of his refusal a good many Indians who had land in Mississippi and Alabama had the land taken from them by the government and sold at its public land sales. This caused so many complaints that these Commissions were appointed to hear these disaffected Choctaw Indians.

- Q Do you know if any of your Choctaw ancestors appeared before either of these Commissions and claimed any benefits as Choctaw Indians? A No sir.
- Q Did any of your Choctaw Indian ancestors receive any scrip from the government which was issued under the act of Congress of August 23, 1842? A I don't know that either.

This scrip authorized them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold.

- Q Have you any documentary evidence that you want to introduce now? A No sir.
- Q Or any other statement you want to introduce or evidence that you want to offer? A None that I know of, save a witness.
- Q Have you a witness with you? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir, I don't.

This applicant has the appearance and physical characteristics of being descended from a mixed ancestry composed of white and Indian blood; he claims one-fourth Choctaw blood, and aside from the fact that that quantity of blood is undetermined, there is no reason to doubt his assertion or statement that he has Indian blood; he says it's Choctaw; he doesn't understand or speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

By the attorney:

- Q Mr. Phipps you are a regular practicing physician? A Yes sir.
- Q Now you say your grandmother's name was Nancy Johnson; did you ever see her? A Yes sir.
- Q How old was you? A Quite a boy.
- Q Did she understand the Choctaw language? A Yes, she tried to teach me something; I couldn't understand it, but I never heard anything spoken but the English language, and of course what little she got in me I soon forgot it.
- Q Now the information that you have got that your grandmother was in Mississippi and moved to Kentucky is just traditional history of the family? A Yes sir.

#6.

- Q Did you know a man by the name of Summit? A I do.
Q When was the last time that you seen your mother? A I saw her in March.
Q Did you have any conversation with her relative to your claims, if so, what? A She asked me to come to see Mr. Summit who she had known for a number of years, and I told her I would find him in the Territory, and she told me that six years ago, that he knew the family and might be of some help to us, but as she was unable to come I might go ahead and look it up for myself.
Q Where did she say she first met him? A She didn't tell me; he visited my mother six years ago.
Q Where at? A In Kentucky.
Q Did you ever hear your mother say that she was from Mississippi? A I have.
Q Did you ever hear your grandmother Nancy Johnson in her lifetime say where she was from? A I don't remember that because I was about eight years old may be--not over that may be--when she died; I know I remember her well enough and heard her speak a good many things; speak about the country she came from, but I don't know that I would be safe in saying that---she came from Mississippi; however, my mother says she came from there.
Q You never was a slave? A No sir.
Q Did you ever hear any of your folks say that any of your people was slaves? A No sir.
Q Did your folks own any slaves? A I believe they owned one or two, but they left when I was quite small; I have forgotten them; I remember during the Civil War soldiers come through and carried them off; I remember they left with the soldiers.

Applicant excused.

Benjamin Summit, being called as a witness and duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin Summit.
Q What is your age? A Eighty.
Q What is your post office address? A Ardmore, Indian Territory.
Q What is your occupation? A Nothing.
Q Ben are you a full blood Choctaw Indian? A Yes sir.
Q Are you on the rolls of the Choctaw Nation in Indian Territory? A I guess I am.
Q Are you enrolled? A They said I was.
Q Are you on the rolls or have you got an application in? A I have got an application in.
Q That hasn't been acted upon yet? A No sir.

By the attorney:

- Q Do you know the applicant here, Phipps? A Yes sir.
Q How long have you known him? A Well, I have been knowing him ever since 1862.

#7.

- Q Did you know his mother? A I do.
Q How long have you known her? A I have been knowing her ever since 1860 or '53.
Q Well now what is the nationality of his mother, white Indian or negro? A Well, she's half Indian.
Q Half Indian and half what else? A Half white or half Irish, I don't know which; he was an Irishman.
Q Did you know his grandmother? A I did.
Q Where did you know her at? A In the state of Mississippi.
Q Where did she live and who did she live with? A She lived in the state of Mississippi in Pontotoc County, and she lived with a man by the name of Mosley.
Q Who did she live with, Indians? A She lived with Indians.
Q What was her racial relation? A She was full blooded Indian.
Q How long have you known her? A I have known her ever since I first looked at her.
Q What was her name? A Nancy.
Q Nancy who? A Nancy Johnson.
Q How old was you about that time? A When I first met her?
Q Yes sir? A I couldn't tell you just exactly how old I was when I first knew her because she was always at our house, but I knew pretty well about the treaty.
Q Did she leave Mississippi before you did? A Yes sir.
Q Where and when was the next time you seen her? A In Kentucky.
Q Did you see this applicant's mother there? A Yes sir.
Q You visited them there did you? A No sir, I was not visiting them, I was a soldier passing through; we was fighting and camped there within two or three hundred yards of the house.
Q You just incidently run on to them? A Yes sir.
Q Did she know you? A Yes sir.
Q You say you have known her for quite a while; now could she talk the Choctaw language? A What, Nancy?
Q Yes sir? A Certain she could.
Q Can you talk the Choctaw language? A Yes sir.
Q Did you ever converse with her? A Yes sir.
Q Ever converse with her in Mississippi? A Yes sir.
Q You met her in Kentucky; did you talk to her in the Choctaw language? A I did.
Q How large was this applicant when you first visited there?
A He appeared to me about three or four or five years old; I am not sure but I knew we soldiers had him at our camp.
Q Well now just make a statement there as to how came you to met up with this applicant here, Gordon Phipps, here in Muskeges?
A Well, I can make that record very quick; I got a letter from his mother that her son was coming here to be identified before the Dawes Commission, and I were at Ardmore and he would be here and told me what day to come and I did so and I met up with him here.

By the Commission:

- Q All you have testified to, Ben, is in reference to the Choctaw blood of this applicant? A Yes sir.
Q You don't know of the compliance of his ancestors with article fourteen of the treaty of 1830 do you? A Well, I don't know; I can't understand that; let me hear that again.

#8.

- Q You don't know of the compliance of his ancestors with article fourteen of the treaty of 1830 do you? A I don't know.
- Q You just simply state that you knew his grandmother Nancy Mosley in Mississippi? A Yessir.
- Q And she seemed to be full blood Choctaw Indian? A Yes sir.
- Q And that you knew his mother? A Yes sir.
- Q How old was his mother when you knew her in Mississippi? A About ten years old.
- Q And you were about how old? A Ten years old and she was about the same.
- Q You were born in what year? A 1822.
- Q So that in 1830 you were only eight years old? A Yes sir.
- Q Well now you don't remember much about the Dancing Rabbit Creek treaty because you were only eight years old? A Well, I was a shrewd boy.
- Q Well you don't know anything about Nancy Mosley going to Colonel Ward do you? A No sir, I don't know anything about that Judge.
- Q And at that time you knew Nancy Mosley's daughter, the mother of this applicant? A Yes sir.
- Q And she you say was a girl about ten years old? A Yes.
- Q Did she talk the Choctaw language--his mother? A Why, she spoke some as well as I did.
- Q You were little children playing together? A Yes sir.
- Q How near together did you live? A About a mile or mile and a half.
- Q How old was she when she left Mississippi and went to Kentucky? A I can't tell.
- Q Do you know whether she was born in Mississippi? A Yes sir, I heard her mother tell me she was born in the state of Mississippi and heard my mother say so.
- Q In what year was she born in Mississippi? A About the same time I was--1822.
- Q Well, she was two years younger than you according to your statement? A I know that.
- Q Then you think she was born in Mississippi in 1824 or somewhere thereabouts? A Well, I say '22.
- Q That's when you were born? A Yes sir.
- Q And you say when she was ten you were twelve, in other words, you stated that she was about two years younger? A Perhaps I did. If I said that I don't get back from it.
- Q Well now your evidence so far is, Don, that you think she was born in Mississippi in or about the year 1822 or perhaps two years after? A Yes sir.
- Q Do you know whether her father and mother were living in Mississippi until she went to Kentucky? A Yes sir.
- Q And then did they go? A Yes sir.
- Q And that was in about what year? A I think it was about 1833 or '04.
- Q Then your recollection is that Nancy Mosley or Johnson was living in Mississippi in 1830 and the head of a family there then? A Yes sir.
- Q And you don't know whether she complied with article fourteen of the treaty of 1830 or anything about it? A No sir.
- Q You think the mother of this applicant had about one-half Choctaw blood? A Yes sir.

- Q How is it you are able to tell, looking back there so many years ago, that she had Choctaw blood? A Because I have a good memory.
- Q When did you first meet this applicant Gordon Phipps?
- A In Hartford, Kentucky.
- Q How old was he at that time? A Three or four years old; what I took him to be.
- Q You met him in Kentucky? A Yes sir.
- Q And you met him again--was when you met him here? A Yes sir, I met him again outside of that.
- Q When? A Six years ago.
- Q How do you know this boy who was three years old when you first met him and who you now meet here is the same person?
- A Because his mother her and me was old acquaintances together, and when I was soldiering they fed me at their house, and when I went back six years ago going to take a visit in Mississippi and Tennessee I stopped at their house again; this was the same boy because I knew him.
- Q This was a long time? A I can't help that.
- Q Did you meet him with his mother or alone? A With his mother and she told me that was the same boy that I used to have out in camp with me.
- Q Do you know whether any of the Choctaw ancestors of this applicant owned any land or claimed any land in Mississippi or Alabama in 1830? A I couldn't tell.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them comply in any manner with article fourteen of that treaty? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of his Choctaw ancestors within six months from the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of them get any scrip from the government as Choctaw Indians under the act of Congress approved August 23, 1842?
- A No sir, I don't know.
- Q Did any of his Choctaw ancestors claim any land or get any benefits before the Commission of 1837 or 1842? A I don't know.

These Commissions were appointed to hear the complaints and claims of Choctaw Indians who asserted that they had gone before Colonel Ward, the Indian Agent, within six months after the ratification of the treaty of 1830 and attempted to register under that article of that treaty but that Colonel Ward refused to take their names and place them upon his Register and because he refused to do this they lost land they had in the old Choctaw Nation.

Witness excused.

#10.

Fifteen days time is allowed this applicant, on motion of J. C. Lowry, counsel for applicant, in which to introduce further testimony or evidence in support of this claim.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14 day of June, 1902.

Charles H. Sawyer

Notary Public,

COPY.

*encl
C. W. W.*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Gordon Phipps, et al.,
for identification as Mississippi Choctaws, M.C.R. 5752.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Gordon Phipps for himself and his two minor children, Minnie L. and Ora D. Phipps, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Nancy Mosley (nee Johnson), who is alleged to have been a half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name of one Nancy Johnson appears upon page 18, Volume 1, of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742 in an excerpt from Ward's Register, division 3, pp. 67 to 71 inclusive in the "Register of Choctaws as entered by the Agent previous to the 24th _____ 1831, who wish to become citizens according to the provisions of the treaty of eighteen hundred and thirty" as a childless half breed woman, but there is nothing in the evidence submitted by the applicants herein tending to show that the Nancy Mosley (nee Johnson), through whom they claim, is the identical Nancy Johnson whose name appears in the record cited.

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Mosley (nee Johnson) through

-3-

when these applicants claim, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gordon Phipps, Minnie L. Phipps and Ora D. Phipps, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.
Acting Chairman.

(SIGNED).

T. B. Needles.
Commissioner.

(SIGNED).

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

APR 28 1903

(SIGNED).

W. E. Stanley.

COMMISSIONER.

5752

Muskogee, I. T. August 7th, 1902.

Received of the Commission to the Five Civilized Tribes one copy
of the testimony of Gordon Phipps, in the matter of his application
for the identification of himself and minor children as Mississippi
Choctaws.

C. B. Lawrence

Muskogee, Indian Territory, December 16, 1902.

Jno. D. Lee,

Corsicana, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you state that "Mr. W. A. Robinson is now ready to make personal application before your Honorable Commission for identification as a Mississippi Choctaw".

You ask if the Commission will set December 24 as the day on which to hear his application. You further ask if a decision has been rendered in the Mississippi Choctaw case of Gordon Phipps.

In reply, you are advised that the Commission cannot fix any certain date for the hearing of applications for identification as Mississippi Choctaws, but will hear such applications upon the personal appearance of the applicant at its office in Muskogee, Indian Territory, at any time prior to March 25, 1902.

Relative to the case of Gordon Phipps, the Commission has not up to the present time reached any opinion or decision in his case, but is now considering his application, and it is probable that a decision will be rendered in the near

J. D. L. 2.

future. He will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 21, 1903.

Gordon Phipps,

Corsicana, Tex.

Dear Sir:-

The Commission is in receipt of interrogatories to be propounded to Caroline Phipps, to be read in evidence in support of you application for the identification of yourself and your two minor children as Mississippi Choctaws.

These interrogatories are in due form, as well as the proof of service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations, but they are returned to you for the reason that you have not fully complied with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. It provides that an applicant who desires a deposition taken must file with the Commission an affidavit setting forth the reason for desiring said deposition taken, the name and address of the witness whose deposition he desires to have taken, and specifying therein the evidence to be deduced in the taking of such deposition.

A copy of said rules and regulations is herein enclosed you, and your attention is directed to rules I and II.

A commission will not be issued for the taking of depo-

G. P. -2

sitions in Mississippi Choctaw applications until these rules and regulations are strictly complied with.

Respectfully,

Enc. C.D. 1

RULES AND REGULATIONS.

Muskogee, Indian Territory, February 21, 1903.

John D. Lee,
Attorney at Law,
Corsicana, Texas.

Dear Sir:

Enclosed please find commission to take the deposition of Caroline Phipps to be read in evidence in the application of Gordon Phipps, et al., applicants for identification as Mississippi Choctaws, the same to be taken upon direct and cross interrogatories attached to said Commission.

There is also attached to said commission a caption and certificate which are to be filled out by the Notary before whom said deposition is taken. Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions, and immediately upon the completion of the taking thereof have same returned to this Commission in order that the application in which it is to be applied can be brought to an early determination.

Respectfully,

Enclosure:
J.L.D. #1

Acting Chairman.

Muskogee, Indian Territory, February 6, 1903.

John D. Lee,
Attorney at Law,
Corsicana, Texas

Dear Sir:-

The Commission is in receipt of your communication of January 27, 1903, wherein you enclose the affidavit of Gordon Phipps and interrogatories to be propounded to Caroline Phipps, whose deposition you desire to have taken in support of the application of the said Gordon Phipps for identification as a Mississippi Choctaw.

These documents, together with the proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, being in due form, have been filed with and made a part of the record in said application and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations a commission will be issued for the taking of said deposition and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge

COPY.

Muskogee, Indian Territory, April 28 1903.

Gordon Phipps,

Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 28th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Gordon Phipps, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gordon Phipps, Minnie L. Phipps and Ora D. Phipps, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, to-

GP 2

gether with such arguments will be forwarded to the Secretary of
the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Bixby.

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 28, 1903.

J. C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Gordon Phipps, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gordon Phipps, Minnie L. Phipps and Ora D. Phipps, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time

J C L 2

the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

W. H. HENRY

James Dixby.
Chairman.

COPY

Muskogee, Indian Territory, April 22, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th d of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Gordon Phipps, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gordon Phipps, Minnie L. Phipps and Ora L. Phipps, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby
Chairman.

OPY.

Muskogee, Indian Territory, May 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Gordon Phipps, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 26, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED).

T. B. Needles.

2 Encs.: E.O.R. 5752.

Commissioner in Charge

(COPY)

Land.
31579-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, July 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Gordon Phipps, for himself and his two minor children, Minnie L. and Ora D. Phipps, for identification as Mississippi Choctaws, wherein a decision rejecting them was rendered by the Commission on the 28th day of April 1903.

It appears from the record in this case that the applicants base their claim to a right to identification on their descent from Nancy Moseley, nee Johnson, wife of Henry Moseley, it being claimed that Nancy Moseley was a citizen of the Choctaw Nation in Mississippi in 1830, and as such complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of that year. The statement of the Commission is that Gordon Phipps gives evidence of Indian blood in his personal appearance.

The Commission rejected the applicants for the reason that while its records show the name of one Nancy Johnson as an applicant for land under the provisions of the fourteenth article

of the Choctaw treaty of 1830, it does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, that Nancy Moseley, nee Johnson, through whom these applicants claim, or ancestors less remote, either complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830.

An examination of the records of this office shows that there were two families of Choctaw Indians residing in Mississippi in 1830, who complied with the provisions of the fourteenth article of the Choctaw treaty of 1830, and received land thereunder, namely, Mary Johnson and George Johnson. The facts relative to the condition of the records of this office with reference to the Johnson family were set out in the case of Isom Day, reported on the 1st instant, and reference is hereby made thereto.

The record in this case being insufficient to say whether the applicants are or are not descendants of either of these Johnsons, it is my opinion that the case should be remanded for further hearing on that point, and I recommend accordingly.

Very respectfully,

W. A. Jones,
Commissioner.

KKH-O.

(COPY)

D.C.22227

ITD.5386-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.P.

W.C.F.

RAF.

August 7, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 14, 1903, you transmitted the record in the matter of the application for identification of Gordon Phipps and his minor children, Winnie L., and Ora D. Phipps, as Mississippi Choctaws, including your decision of April 28, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Nancy Moseley, nee Johnson, it being alleged that said ancestor was one-half blood Choctaw Indian and a resident of Mississippi in 1830.

Reporting July 2, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that there were two families by the name of Johnson residing in Mississippi in 1830, who complied with the provisions of article 14 of the Choctaw treaty, and received land thereunder, and recommends that the case be returned to you for further investigation as to the applicant's ancestor.

The facts relative to the condition of the records of the Indian Office with reference to the Johnson families are set out in the Commissioner of Indian Affairs' letter of July 1, 1903, submitting the papers in the Mississippi Choctaw case of Isom Day, as follows:

"There were two families of the name of Johnson, who received land under the provisions of the fourteenth article of the Choctaw treaty of 1830, the heads being Mary Johnson, who had in her family in 1830, two children under ten years of age, whose names were not reported to the Indian Office, and George Johnson, whose family in 1830 consisted of eight children, four being over and four under ten years of age. The office has not the names of any of the Johnson children, except Silas B. Johnson, the son of George Johnson."

The Department concurs in the recommendation of the Commissioner of Indian Affairs, and the case is hereby returned to you for appropriate action in accordance with instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 5752

Muskogee, Indian Territory, August 31, 1903.

Gordon Phipps,

Corsicana, Texas.

Dear Sir:

The Secretary of the Interior with his letter of August 7, 1903, remanded to this Commission the record theretofore forwarded to the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be granted further opportunity to introduce additional testimony and evidence in support of your claim.

The record in your case shows that you claim descent from one Nancy Mosley (nee Johnson), an alleged half blood Choctaw Indian. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 show that-

"There were two families of the name of Johnson who received land under the provisions of the fourteenth article of the Choctaw treaty of 1830, the heads being Mary Johnson, who had in her family in 1830 two children under ten years of age whose names were not reported to the Indian Office, and George Johnson, whose family in 1830 consisted of eight children, four being over and four under ten years of age."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions

Gordon Phipps, 2.

of article 14 contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates; and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, October 1, 1903, hear the testimony of such

Gordon Phipps, 3.

witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep.

Registered.

Chairman.

Muskogee, Indian Territory, August 31, 1903.

J. C. Lowery,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of August 7, 1903, remanded to this Commission the record theretofore forwarded to the Department in the matter of the application of Gordon Phipps, et al., for identification as Mississippi Choctaws, with instructions that the applicants therein be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from one Nancy Mosley (nee Johnson), an alleged half blood Choctaw Indian. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw Treaty of 1830 show that -

"There were two families of the name of Johnson who received land under the provisions of the fourteenth article of the Choctaw treaty of 1830, the heads being Mary Johnson, who had in her family in 1830 two children under ten years of age whose names were not reported to the Indian Office, and George Johnson, whose family in 1830 consisted of eight children, four being over and four under ten years of age."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions

of article 14 contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates; and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskegee, Indian Territory, up to and inclusive of Thursday, October 1, 1903, hear the testimony of such

J.C.Lowery, 3.

witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.

Registered.

Muskogee, Indian Territory, August 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of August 7, 1903, remanded to this Commission the record theretofore forwarded to the Department in the matter of the application of Gordon Phipps, et al., for identification as Mississippi Choctaws, with instructions that the applicants therein be granted an opportunity to introduce further testimony in support of their claim.

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, October 1, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the application in this case.

Respectfully,

Chairman.

M C R 5752

Muskogee, Indian Territory, September 26, 1903.

Gordon Phipps,
Corsicana, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that it will be impossible for you to secure certain evidence in support of your claim for identification as a Mississippi Choctaw in the time heretofore allowed you, and ask that you be granted an additional sixty days within which to offer additional evidence in support of your case.

In reply you are informed that your request has this day been complied with, and you will be allowed up to and inclusive of November 26, 1903, to submit additional evidence.

Respectfully,

Chairman.

M C R 5752

Muskogee, Indian Territory, October 6, 1903.

Gordon Phipps,

Corsicana, Texas.

Sir:

Receipt is hereby acknowledged of your letter of September 29, 1903, asking for additional time within which to produce evidence in support of your application for yourself and your minor children for identification as Mississippi Choctaws, as you state you are unable to secure the necessary evidence within the time already allowed you.

In compliance with your request you are informed you will be allowed an extension of time to November 2, 1903, within which to introduce additional evidence in support of your application for identification of yourself and your children as Mississippi Choctaws.

Respectfully,

Chairman.

M C R 5752

Muskogee, Indian Territory, December 1, 1903.

Gordon Phipps,
Corsicana, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, asking that you be allowed further time in which to present additional evidence in support of your case, which has been heretofore remanded to this Commission for rehearing.

In reply you are informed that you will be allowed up to and inclusive of December 31, 1903, in which to submit such evidence as you may desire in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On May 14, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Gordon Phipps, et al., together with its decision of April 28, 1903, refusing the application made by Gordon Phipps for the identification of himself and minor children as Mississippi Choctaws.

With departmental letter of August 7, 1903 (I T D 5386-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on August 31, 1903, notified the principal applicant, Gordon Phipps, and his attorney, J. C. Lewery, that he would be allowed up to and inclusive of Thursday, October 1, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On September 26, 1903, upon written request of Gordon

Phipps he was granted a continuance in said case until November 26, 1903.

November 23, 1903, said principal applicant again asked for an extension of time in which to offer additional evidence in support of his claim, and was, on December 1, 1903, notified that he would be allowed up to and inclusive of December 31, 1903, for the purpose of submitting such additional evidence as he might desire.

No appearance having been entered by or on behalf of the said principal applicant, and no additional testimony having been offered by him, the original record in said case, together with copies of notices furnished the principal applicant, his attorney, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 44

Muskogee, Indian Territory, January 4, 1904.

Gordon Phipps,
Corsicana, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1903, in which you ask for further time in which to submit additional evidence in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on August 7, 1903, the Secretary of the Interior remanded the record in your case to this Commission with instructions that you be allowed a reasonable time within which to offer additional evidence in support of your claim.

August 31, 1903, you and your attorney, J. C. Lowery, were notified that you would be allowed until October 1, 1903, for the purpose of submitting additional evidence in support of your application. Upon your written request a continuance was granted you, September 26, 1903, until November 26, 1903. Again, on November 23, 1903, you asked for an extension of time and was granted until December 31, 1903.

No appearance having been entered by you or any one on your behalf, the original record in your case was returned to the

G P 2

Department, January 2, 1904, as it was believed that the four months theretofore allowed you within which to submit additional evidence in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was a sufficient and reasonable time for this purpose.

Pending action on your case by the Secretary the Commission is without authority to receive or consider any further evidence in support thereof, and your request of December 30, 1903, is therefore refused.

When the Commission is advised of the decision of the Secretary of the Interior you will be notified.

Respectfully,

Chairman.

D. C. No. 5975.-1904.
I.T.D. 1108-1904.
L.R.S.

C O P Y .

W.C.F.
F.H.E.

DEPARTMENT OF THE INTERIOR,

Washington, February 18, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for identification as Mississippi Choctaws of Gordon Phipps, for himself and his two minor children, Minnie L. and Ora D. Phipps, transmitted with your letter of May 14, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Nancy Moseley, nee Johnson, it being alleged that said ancestor was a one-half blood Choctaw Indian and a resident of Mississippi in 1830.

Your decisions rejecting the applications^{was} rendered on April 28, 1903 . On August 7, 1903, the Department remanded the case to you for further investigation as to the applicants' ancestors, inasmuch as the records of the Indian Office show that there were two families of the name of Johnson who received land under the provisions of the 14th article of the Choctaw treaty of 1830.

It appears that on August 31, 1903, you notified the

principal applicant, Gordon Phipps, that he would be allowed until October 1, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and minor children as Mississippi Choctaws; that on September 26, 1903, upon written request of Gordon Phipps, he was granted a continuance in said case until November 26, 1903; that upon further request by the applicant for an extension of time he was on December 1, 1903, notified that he would be allowed until December 31, 1903, for the purpose of submitting such additional evidence as he might desire; that during said time no further appearance was entered by or on behalf of the applicants and no additional testimony offered by them.

The Acting Commissioner of Indian Affairs, in his letter of February 5, 1904, recommends that your decision rejecting the applicants be approved. A copy of his letter is enclosed.

The Department considers that the interests of these applicants have been fully protected. Your decision rejecting them is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 enclosure.

C O P Y .

Refer in reply to the following:
Land 1309-1904.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of January 2, 1904, relative to the Mississippi Choctaw case of Gordon Phipps, et al.

With Departmental letter of August 7, 1903 (I.T.D.5386-1903) the record in this case was remanded in order that the principal applicant might be granted opportunity to introduce additional evidence.

In accordance with instructions of the Department the Commission on August 31, 1903, notified the principal applicant, Gordon Phipps and his attorney J. C. Lowery, that he would be allowed up to and inclusive of Thursday, October 1, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Chickasaw and Choctaw Nations.

On September 26, 1903, upon the written request of Gordon Phipps, he was granted a continuance until November 26, 1903.

November 23, 1903 the principal applicant asked for an extension of time in which to offer additional evidence in support of his claim, and was on December 1, 1903, notified he would be allowed up to and inclusive of December 3, 1903, for the purpose of submitting such additional evidence as he might desire. No appearance having been entered by or on behalf of the principal applicant and no additional testimony having been offered by him up to and inclusive of January 2, 1904, the original record in the case, together with copies of notices furnished the principal applicant, his attorney and the attorneys for the Chickasaw and Choctaw Nations, is therefore transmitted by the Commission.

This case was remanded by the Department for the reason that the applicants found their claim to a right to identification on their descent from Nancy Moseley (nee Johnson) an alleged half blood Choctaw Indian, there having been two families of the name of Johnson who were beneficiaries under the 14th article of the Choctaw treaty, the heads being Mary Johnson, who had in her family in 1830 two children under ten years of age, and George Johnson, whose family in 1830 consisted of eight children, four being over and four being under ten years of age.

The proof in the original case was not sufficient to justify the conclusion that Nancy Johnson Moseley was one of the Children of Mary or George Johnson. The applicants having on this additional opportunity being accorded them in default, I am of opinion that the original decision of the Commission rejecting

-3-

them should be approved and so recommend.

Very Respectfully,

(Signed) A. G. Tenner,

Acting Commissioner.

MBH.LM.

M.C.R. 5752

Muskogee, Indian Territory, March 9, 1904.

Gordon Phipps,

Corsicana, Texas.

Dear Sir:

You are hereby notified that on the 18th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Gordon Phipps, et al., of which decision you were advised by registered mail on the 28th day of April, 1903.

Respectfully,

T. D. J. [Signature]
Commissioner in Charge.

Muskogee, Indian Territory, March 9, 1904.

John D. Lee,
Attorney-at-Law,
Corsicana, Texas.

Dear Sir:

You are hereby notified that on the 18th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Gordon Phipps, et al., of which decision you were advised by registered mail on the 28th day of April, 1903.

Respectfully,


Commissioner in Charge.

Muskogee, Indian Territory, March 9, 1904.

J. C. Lowery,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 18th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Gordon Phipps, et al., of which decision you were advised by registered mail on the 28th day of April, 1903.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5752

Muskogee, Indian Territory, March 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Gordon Phipps, et al., of which decision you were advised by mail on the 28th day of April, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

" No. 5752

For Identification as a Mississippi Choctaw.

Date JUN 3 1914

Name Gordon Phipps

Age 43 - Blood 1/4

Post-Office Corsicana, Tex.

Father: Woodford Phipps, l

Mother: Caroline .. l

Claims through ~~mother~~
wife Sarah E. Phipps, l.w.
No claim for wife -

Children:

Minnie L. Phipps, 18
Ora ~~D.~~ " 16

Claims for self
and children

Stenographer A. G. McMillan



C. E.
5752

U.S. DEPT. OF THE INTERIOR

Int. Sec. of Geol. & Nat. Hist.
Bureau of Land Management
Washington, D.C.

DIRECTORY

Col. ...



RETURNED TO WRITER

From

OKLAHOMA, OKLA.

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Chas. ...



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Choctaw MCR 5753

Allen G. Bolling

MCR 5753

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Allen G. Bolling,
et al., for identification as Mississippi Choctaws, M.C.R. 5753.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of Allen G.
Bolling, et al.,

	(Page)
Original application of Allen G. Bolling, et al., to the Dawes Commission for enrollment as citizens by blood of the Choctaw Nation.....	1
Certified copy of the marriage record of James W. Bolling and Sarah Barber.....	4
Copy of the family record of births and marriages of Allen Bolling, et al.....	6
Decision of the Commission refusing the application of Allen C. Bolling for enrollment as citizens by blood of the Choctaw Nation.....	7
Copy of letter of the Commission to Allen C. Bolling transmitting above decision.....	8
Return registry receipt.....	9
Copy of letter of the Commission to Allen C. Bolling giving 30 days in which to submit to the Commission his corroborated affidavit.....	10
Return registry receipt.....	12
Original application of Allen G. Bolling, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	13
Decision of the Commission refusing the application of Allen G. Bolling, et al., for identification as Mississippi Choctaws.....	22

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Allen C. Bolling for the enrollment of himself and his wife as citizens by blood of the Choctaw Nation.

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The applicant, Allen C. Bolling, appeared before the Commission at Colbert, Indian Territory, June 20, 1900, and there made application for the enrollment of himself, and his wife, Nancy L. Bolling, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the names of the applicants have never been on any of the rolls of the Choctaw Nation and that the applicants have never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

It also appears from the evidence that the applicants had not removed to the Indian Territory in compliance with the act of June 28, 1898, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application of Allen C. Bolling for the enrollment of himself and wife, Nancy L. Bolling, as citizens by blood of the Choctaw Nation is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskegee, Indian Territory, Oct, 1900.

GA.L.
Co. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Allen G. Bolling, et al.,
for identification as Mississippi Choctaws, M.C.R. 5753.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Allen G. Bolling for himself and his wife, Nancy Bolling, under
the following provision of the act of Congress approved June 28,
1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that the principal applicant herein claims
rights in the Choctaw lands under article fourteen of the treaty
between the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Nancy Belling (nee Ely) who is alleged to have been a full blood Choctaw Indian; that the Nancy Belling herein applied for claims said rights by reason of being a descendant of Jack Lee, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1894 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Belling (nee Ely) or Jack Lee, or ancestors less remote, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to

adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Allen G. Bolling and Nancy Bolling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James Dixey.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 20 1863

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 20, 1900.
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In the matter of the application of Allen C. Bolling for enrollment as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife as an intermarried Choctaw; Allen C. Bolling being sworn by Acting Chairman Bixby, testified as follows:
Examination by the Commission.

- Q What is your name? A Allen C. Bolling.
Q How old are you? A I was born in 1825, on March 8.
Q Do you apply for enrollment as a Choctaw Indian by blood?
A Yes, sir I am a Choctaw and Cherokee both.
Q Where do you live? A In Texas.
Q What point in Texas? A Denison.
Q How long have you lived in Denison? I came there in 1876.
Q Did you ever work in the Indian Territory? A I have worked through here on the Railroad.
Q What is your occupation? A I am a locomotive engineer.
Q You never made your permanent residence in the Indian Ter.?
Q No, sir only working through.
Q What is the name of your father? A James W. Bolling.
Q Is he living? A No, sir he is dead.
Q Was he a white man? A He was half Cherokee and half white.
Q Did he ever live in the Cherokee Nation? A No, sir he came out here in 1844, to Clarksville and never did go back, and left us children in Virginia and I never have seen him since. They tell me he is dead.
Q Was he ever recognized by the Cherokee tribal authorities as a Cherokee Indian? A No, sir, I can't tell you, he is Cherokee and Choctaw both.
Q Did not you just testify he was half Cherokee and half white?
A He has blood of both.
Q You mean he has Choctaw and Cherokee blood both? A Yes, sir I have been told.
Q Was he ever been recognized by the tribal authorities of either of these Nations? A No, sir.
Q Is he dead? A Yes, sir he was born in 1776, he would be dead now. *
Q You don't know when he died? A No, sir.
Q Has it been 50 years? A Yes, sir, I think so.
Q What is the name of your mother? A Sarah Barber.
Q How old is she? A 69.
Q Is she living? A No, sir she has been dead a long time.
Q When did she die? A I don't recollect the date.
Q Was she a white woman? A No, sir she was a Choctaw.
Q What proportion of Choctaw blood did she claim? A I believe she was full.
Q What proportion of Choctaw blood do you claim to have? A I claim to be 1/4.
Q Did your mother ever live in the present Choctaw Nation?
A No, sir.
Q Where did she marry your father? A I Virginia, Pennsylvania.
Q Was she ever recognized by the Choctaw tribal authorities as a citizen? A No, sir.
Q Do you remember the exact date of her death? A No, sir.
Q About when did she die? A I think about 1877 or 1878.
Q Does your name appear upon any of the tribal rolls of the Choctaw Nation? A Not that I know of.
Q Did you ever claim or make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Mr. Wiseman took our application in 1896 at Tahlequah, he says he didn't get them

Allen G. Bolling - 2.

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Q I am talking about the tribal authorities, not this Commission, I mean the indian authorities, did you ever make application to the indian authorities? A I never did.

Q Never for yourself or your wife? A No, sir, only that time I was telling about.

Q Did you make application to the Dawes Commission for citizenship in the Choctaw Nation in the year 1896? A Yes, sir, I think it was Choctaw.

Q What was the style of the case? A I think it was Choctaw and Cherokee, my oldest son was up there with me and he is the one made the application, Joseph L. Bolling.

By Peter Maytubby: What did you say your father's name was? A James W. Bolling.

Q Was it Jim Bolling? A There has been two Jim Bollings, I can't tell which one it was.

Q You don't know which one? There was one styled his name Boland?

A That isn't my father, I haven't seen my father since 1855, I don't think he has been dead more than 20 years.

Q I understand you to say your father was Choctaw and Cherokee?

A Yes, sir, part.

Q Half and half? A I suppose about as much of one as of the other, no, sir, not half. .

Mr. Emerson: (Record of applications for citizenship in the Choctaw Nation in the year 1896 is examined, and no case found in which the name of the applicant appears.)

Q You are sure that that application made by you in 1896 to this Commission was made by you in the Choctaw Nation? A No, sir, I am not, my son filed it.

Q As a matter of fact didn't you apply about that time for citizenship in the Cherokee Nation? A I can't tell you what my son applied for, I told him he had both in him.

Q Neither you nor your wife have ever been recognized by the tribal authorities of the Choctaw Nation as citizens of that Nation?

A No, sir.

Q And you never have maintained your residence in the indian territory? A No, sir, I never have.

Q What is the name of your wife? A Nancy Lee Bolling.

Q What is the name of her father? A William Lee, he was born in Arkansas.

Q Is he living? A No, sir, he is dead.

Q What is the name of her mother? A I can't recollect her name.

Q Is she living? A No, sir, she has been dead a long time.

Q Did your wife's father or mother claim any Choctaw blood?

A They never did claim it, they said they had blood in them but they didn't claim it.

Q Do you make any claim for your wife in this application?

A Yes, sir.

Q Upon what do you base your claim for your present wife, citizen by blood? A By blood.

Q I thought you said her father and mother never claimed any blood? A No, sir, but they had blood in them.

Q What proportion of blood did your wife's father have? A I think about 1/8.

Q What proportion of Choctaw blood did your wife's mother have?

A She was a Perkins, she had 1/4 I think.

Q Was either your wife's father or mother ever recognized by the tribal authorities as a citizen? A No, sir.

Q Does your wife's name appear on any of the Choctaw tribal rolls?

A No, sir.

Allen G. Bolling - 3.

Q You never made application for her to the tribal authorities of the Choctaw Nation for citizenship? A No, sir

Q Did you make application for her in 1896 to this Commission for citizenship in the Choctaw Nation? A I don't remember now whether it was Choctaw or Cherokee, it might have been Cherokee for my wife.

(Records of applications for citizenship in the Choctaw Nation, filed before this Commission in the year 1896, examined and no case found in which the name of Nancy Lee Bolling appears as an applicant.)

Q Have you any children? A I have five.

Q Are any of them under 21 years of age? A None of them at all; I think there names was put in up there.

(Index of applications for citizenship made in the Cherokee Nation to the Commission to the Five Civilized Tribes in the year 1896 is examined, and the of A. G. Baling et al, against the Cherokee Nation is found thereon, shown to be recorded in Citizenship Docket B, page 281.)

Q Have you any papers that you desire to offer in evidence at this time? A None but those you see there.

(Certified copy of bond signed by James W. Bolling and Coleman Barber offered in evidence and identified as Exhibit A, filed and made a part of the record in this case. Copy of family record offered in evidence and identified as exhibit B and made a part of the record in this case.)

Q Is there any additional statement in regard to your case you desire to make? A My lawyer has them, he isn't here.

Q You say there is no additional statement you desire to make in regard to your case at this time? A None only what he has got.

Q Are there any additional papers you desire to file with the Commission at this time? A Not at this time.

Q Any papers which you may file with the Commission at a later date in support of the application of yourself and your wife for enrollment as Choctaw Indians by blood will not receive the consideration of the Commission in deciding your said application, but will be forwarded with the record in this case to the Honorable Secretary of the Interior for his consideration when the final rolls of the Choctaw Nation are forwarded to him for approval.

A copy of the decision of the Commission in regard to the application of yourself and your wife for enrollment as Choctaw citizens by blood will be furnished you at a later date and mailed to your post-office address.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Prince C Jones

Sworn to and subscribed before me this the 2nd day of July, 1900.

Walter B. Buchanan
Journalist

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 3rd, 1902.

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In the matter of the application of Allen G. Belling for the identification of himself and his wife Nancy Belling as Mississippi Choctaws.

No attorney.

Allen G. Belling, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Allen G. Belling.
Q What is your age? A Seventy-eight.
Q What is your post office address? A Denison, Texas.
Q How long have you lived in Denison? A Going on twenty-five years.
Q Where were you born? A Virginia.
Q What place in Virginia? A Penn or Campbell County.
Q You have worked on a railroad in Texas have you? A Yes sir.
Q How long have you lived in Texas previous to this application you make now? A Going on twenty-five years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A James W. Belling.
Q What was your mother's name? A Her name was Sarah Belling.
Q You claim through which parent, your Choctaw blood? Well then is Cherokee.
Q Through which parent do you claim Choctaw blood? A On my father's side.
Q Your mother was Cherokee did you say? A Yes, my grandmother was Cherokee too--Betty Smith.
Q You said when you made application before the Commission at Colbert, June 20, 1900, that your father was one-half Cherokee and one-half white? A Well, I must make a mistake then; it ought to have been Choctaw.
Q Then the question was asked you right immediately after: "Did he ever live in the Cherokee Nation", and you say: "No sir." then the question is asked you: "Was he ever recognized by the Cherokee tribal authorities as a Cherokee Indian," and you said: "No sir, I can't tell you; he is Cherokee and Choctaw both";

#2.

then the question is asked you: "Didn't you just testify he was half Cherokee and half white" and you answer: "He has blood of both"; well now what do you want to testify about; that your father was Cherokee, Choctaw and white, three bloods?

A Yes sir.

Q How much white? A He was about half.

Q How much Choctaw? A About quarter.

Q How much Cherokee? A Well, I reckon he must have been quarter.

Q Then you claim how much Choctaw blood through your father; if your father was one-fourth Choctaw blood how much would you have; you would be one-half of that wouldn't you? A About one-half.

Q How much is a half of a quarter? A One-eighth.

Q You claim one-eighth Choctaw blood? A One-eighth, yes sir.

Q You made a mistake when you appeared before the Commission at Colbert, June 20, 1900, that you claimed quarter? A I reckon it's the same.

Q It would be the same if you are telling the truth? A I reckon I am quarter.

Q I would like to have you figure it out; you claim that your father was half white, one quarter Cherokee and one quarter Choctaw; you have sworn to that under oath? A Yes sir.

Q Then if your father was one quarter Choctaw blood, your quantity of Choctaw blood would be one half of that which would be one-eighth; now you go back to one quarter again; you will explain that please? When applicants come here claiming rights in the Choctaw Nation and ask for land to be given to them they have got to know something about their claim? A Well, I reckon I did that; I don't want to claim too much.

Q How much do you claim? A I think I am about one-eighth.

Q You think one-eighth now; you think you will stick to that?

A Yes sir.

Q You swear you have got more than that do you? A I think I have.

Q I want you to explain how you claim more than one-eighth if you say your father had one-half white blood, one quarter Cherokee and one quarter Choctaw; how do you explain that you got more than one-eighth; do you claim any blood through your mother?

A Yes sir.

Q You didn't say that a little while ago? A I didn't understand you.

Q How much do you claim through your mother, now? A I claim about quarter.

Q How do you figure that out; I tell you Mr. Bolling you don't know anything about this; this is your opportunity, sir, to explain this matter and make it clear to the Commission; we want the truth from you; we want your absolute knowledge; if you know this, you must state it; now, then, how much Choctaw blood did your mother have? A My mother had none. My father had the blood.

Q A minute ago you said you claimed Choctaw blood through your mother; now you say you don't claim any through your mother; something is the matter with you or you are dishonest; you are stating things that can not be true; don't you see it? A Minute ago, the record will show, that you said you claimed some Cho-

- taw blood through your mother; now you say you don't; I am trying to get you down somewhere that I can know that it is nearly right, because you contradict yourself? A That Cherokee and Choctaw is pretty much the same isn't it.
- Q You can't claim Mississippi Choctaw blood if you claim Cherokee blood; you are here to claim descent from a Mississippi Choctaw ancestor and I don't want to know anything about your Cherokee blood as a matter of claim; I want to know how much blood your parents had? A Well, his mother, Nancy Ely, had Choctaw blood.
- Q Now Mr. Belling, I want to understand you; you claimed that your father had one-fourth Choctaw blood did you? A Yes sir.
- Q Didn't you positively say a few minutes ago----? A I---
- Q You answer my questions; you said a little while ago that your father had one-half white blood did you? A Yes sir, one-half.
- Q And one quarter Choctaw, is that right? A No, I reckon he would be half Choctaw; that's what he is---he's one-half white.
- Q One-half what? A Choctaw.
- Q Now you say he had one-half white? A Yes, he was half Irish.
- Q And one-half Choctaw? A Yes sir.
- Q How much Cherokee? A My mother had Cherokee.
- Q I am asking about your father? A I don't know that he had any Cherokee.
- Q You take that back? A Yes sir.
- Q Now, then, how much Choctaw blood did your mother have?
- Q My mother?
- Q Yes? A I don't know as she had any.
- Q And a few minutes ago you claimed that she did have? A My father's mother was half.
- Q But the records show that you claimed that your mother did?
- Q It's a mistake.
- Q Now you say that you don't know that your mother had any Choctaw blood? A I don't think she did.
- Q In your testimony given at Colbert, Indian Territory, June 20, 1900, in answer to this question: "Was she, meaning your mother Sarah Barber, as you gave her name, a white woman?", your answer was "No sir, she was Choctaw." The next question is this: "What proportion of Choctaw blood did she claim," and you said in answer "I believe she was full," now you say you don't know if she had any? A I was meaning about my-----my father was half Choctaw.
- Q How much Choctaw blood do you claim your mother had?
- Q I don't claim she had any.
- Q Mr. Belling do you know anything about the quantity of blood your father had? A He must have been half.
- Q Or do you know anything about what blood your mother had, whether it was white, Cherokee or Choctaw? A It was Cherokee.
- Q Now then, how much Choctaw blood do you claim? A Well, I reckon I would be quarter.
- Q A little while ago you claimed one-eighth? A I tell you I didn't want to claim too much.
- Q Do you want to change that? A Yes sir, make it quarter.
- Q You don't claim that your mother had any Choctaw blood now do you? A Not a bit.
- Q A little while ago you said you claimed through both father

#4.

and mother; do you want to claim through your father alone?

A Yes sir.

Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know; he came here in '44; he left me when I was small.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Never did, only when I made that.

Q The only application you have ever made then either before the Choctaw tribal authorities or the Dawes Commission is the application which you made at Colbert, June 20, 1900? A Yes sir.

Q You made application at that time for enrollment as a citizen by blood did you not? A I don't recollect.

The records of the Commission show that this applicant, Allen G. Belling, made application for enrollment as a citizen by blood of the Choctaw Nation before the Commission at Colbert, Indian Territory, June 20, 1900, and for the enrollment of his wife as an intermarried Choctaw.

Q Do you want to have that application made by you at that time waived and now considered as a part of the present application; do you want to have the records made in that case now taken in connection with this application? A Yes sir.

Q You don't want this application that you made in 1900 to stand, but you want this one? A Yes sir.

The application made by this applicant, Allen G. Belling, before the Commission at Colbert, June 20, 1900, is here referred to and made a part of this present application.

Q Mr. Belling the records show that in that application your name is given as Allen C. and you give it now as Allen G. Belling; which is right? A Allen G. has always been right.

Q You don't think this is another person who has given this testimony here? A I don't see how it was. I tell you my mother she is Cherokee and I have enrollment in the Cherokee.

Q You claim to be enrolled as a Cherokee? A I don't know.

Q You don't know much about that do you? A No sir.

Q You never heard that you were enrolled as a Cherokee did you?

A Yes sir.

Q You were told you were enrolled as a Cherokee? A No, I was put on the list but never heard anything from it.

Q Do you know when and where your father and mother were married?

A Yes sir.

Q When they married and where? A You have got their license; I would like to have them.

Q You claim that record of your father's marriage to your mother is filed with the application you made two years ago? A Yes sir.

Q Do you now make application for the identification of your wife as a Mississippi Choctaw by intermarriage? A No, she's a Mississippi Choctaw by blood I suppose.

Q What is her name? A Nancy Lee; old Jack Lee was her grandfather.

#5.

- Q Nancy Belling? A Yes sir.
Q She's living? A Yes sir.
Q And what is her blood? A Choctaw.
Q Do you know that? A She says so.
Q Well, you claim that your wife's father and mother had some Choctaw blood but you didn't know how much; do you want to make any claim for your wife as having Choctaw blood? A Yes sir.
Q Do you know whether she had any Choctaw ancestors who lived in the state of Mississippi at any time? A Yes sir, she came to Arkansas.
Q From Mississippi? A I believe Mississippi or right on the edge of Tennessee.
Q I want to know if she came from Mississippi? A I don't recollect.
Q Do you make any claim for your wife as having Choctaw blood which came to her through Choctaw ancestors? A She says that her mother was Irish and buckakin.
Q Well, Irish isn't much like Choctaw? A No sir. What is buckskin?
Q Without going into the discussion of this buckskin business, do you know whether your wife's ancestors ever came from Mississippi and were Choctaws by blood? A They came from that joining county.
Q It was over in Tennessee wasn't it? A Yes sir.
Q Well, you claim for your wife do you not? A Yes sir, I claim she is part Choctaw, and her grandmother's name was----her grandfather was old Jack Lee.
Q Have you any children that you want to make application for?
A I have five.
Q Are they all under twenty-one? A All over twenty-one. I have been married twice; my first wife was more Cherokee than this last one.
Q She's dead isn't she? A Yes sir.
Q What was the name of the father of your wife Nancy? A Jack Lee.
Q Is he living or dead? A He's dead.
Q How much Choctaw blood did he have? A Hold on, I got that wrong; old Jack Lee was her grandfather; it should be Richard Lee.
Q What is the name of Nancy's mother? A I forget her name.
Q Is she living or dead? A She's been dead a good long time.
Q How much Choctaw blood did Nancy's father have? A I reckon he must have been about quarter.
Q You don't know that? A No.
Q On oath you don't know how much he had? A I don't know.
Q How much Choctaw blood did Nancy----your wife's mother have, any? A Yes sir.
Q How much? A I couldn't tell you.
Q Sure she had any? A Yes sir, she says she had.
Q How much Choctaw blood do you claim for your wife Nancy?
A About one-eighth.
Q Do you know really how much she had? A Only what she said.
Q She says one-eighth does she? A Yes sir.
Q Now if Nancy's father had one quarter and the mother had some Choctaw blood, it would be more than one-eighth? A Yes sir, she claims that.
Q Do you know how much she claims? A Claims one-eighth.

#6.

- Q Don't you think it is just as wrong for you to claim less than claim more? A Suppose a man would claim more than he's got.
- Q Is the name of your wife on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, I think not.
- Q You made application for your wife also did you not at Colbert two years ago? A Yes sir.
- Q You made application for your wife did you not at Colbert, Indian Territory, June 20, 1900, didn't you? A Yes sir.
- Q That's what you mean by putting her on the roll? A Yes sir.
- Q You didn't put her on the roll; you just made application? A That's all.
- Q Well now you want to withdraw that as far as she is concerned and you are concerned, making her application with yours as descendants of Mississippi Choctaws? A Yes sir.
- Q And except that application you made at Colbert, Indian Territory, June 20, 1900, you never made any until the present time? A Yes sir.
- Q Do you now want to come before the Commission to make application for yourself and your wife as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think I do.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors or your wife's ancestors complied with the provisions of article fourteen of that treaty? A I don't know.
- Q What is your wife's age now? A She was born March, '41, the 2nd.
- Q How old do you make her now? A Going on sixty-three.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Ely.
- Q What relation was Nancy Ely to you? A She's my grandmother. Well, she--Nancy Ely--my father's mother, now his father Belling married her; I am giving her first name before she married Belling.

#7.

- Q What was the name of her husband? A Benjamin Belling.
- Q He was a white man wasn't he? A Part Irish.
- Q And part what else; did he have any Choctaw blood? A I don't know.
- Q You don't know about that; why don't you say about that; do you know? A I believe Benjamin Ely---
- Q Nancy Ely married Benjamin Belling? A I know she was married twice.
- Q How much Choctaw blood did Benjamin Belling have? A Might have been full blood.
- Q Might have been; but what was he; don't know anything about it do you? A I don't know anything unless I could get the bible.
- Q You don't know anything more about how much Choctaw blood Benjamin Belling has got than you do how much Nancy Ely would have? A I know Nancy Ely claimed full blood.
- Q I am talking about Benjamin Belling? A I don't know what he claimed.
- Q Well, how much Choctaw blood did Nancy Ely have? A She must have been full blood.
- Q How do you know? A What they told me.
- Q Who told you? A That my father was half.
- Q Did she live in Mississippi in 1830? A I don't know; I don't know as she did.
- Q Did she ever live in Mississippi? A Yes, she lived there.
- Q When? A After her father married back in Virginia.
- Q Do you know whether Nancy Ely married Benjamin Belling lived in the old Choctaw Nation in Mississippi in 1830 and had a family there then? A Had kinfolks there, that's all I know.
- Q What is the name of the ancestor through whom your wife claims? A Claims on Lee.
- Q What is the full name? A Jack Lee.
- Q What relation was Jack Lee to your wife Nancy? A Her grandfather, what she said.
- Q Did he live in Mississippi in 1830 and was he the head of a family there then? A I think so.
- Q What was his wife's name? A I don't recollect.
- Q How much Choctaw blood did Jack Lee have? A I don't know.
- Q How old would he be if living now? A He about a hundred.
- Q How old would Nancy Belling, your own ancestor, be if living now? A He about a hundred and thirty-five.
- Q Where was she born? A Richmond, Virginia.
- Q Where did she marry? A Married in Richmond, Virginia.
- Q At what age did she go to Mississippi? A I don't know what age-----after the war.
- Q Do you know if any of the Choctaw ancestors of yourself lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't know as I do.
- Q Where did your father live? A He was born in 1786 in Richmond, Virginia.
- Q Did he at any time live in Mississippi or Alabama? A Not long.
- Q Did he live there at all? A I don't know exactly whether he did or not; he came here in '44.
- Q To the Territory? A Yes sir.
- Q Where did he come from? A Came from Virginia.

#8.

- Q As far as you know he never did live in Mississippi or Alabama?
A I think he did; he had some kinfolks came by there and seen them.
- Q Did he live there? A No, just passed through there coming to the Choctaw Nation.
- Q You are seventy-eight years old; where were you born? A Pittsylvania County or Campbell County.
- Q What state? A Virginia.
- Q You never lived in Mississippi? A No sir. I railroaded through there.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama in 1830? A None at all.
- Q Did any of your Choctaw ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Let me ask you a question; was Colonel Ward from Virginia.
- Q I never heard that he was. Did any of your people or your wife's people, meaning ancestors, go to him within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Now Colonel Ward was the United States Indian Agent located in Mississippi in 1830 and 1831; do you know anything about him?
A It seems to me like I knew him.
- Q You knew him yourself did you? A It seems to me like I seen him; he went in kind of a uniform when he was Indian Agent; used to pass when he went from Mississippi to Richmond, Virginia to get their blankets.
- Q Was he an Indian? A No, I don't think he was.
- Q Well do you know whether any of your ancestors or your wife's ancestors went to him at any time and told him they wanted rights under article fourteen of the treaty of 1830?
A I don't know.
- Q Did any of your ancestors or your wife's ancestors of Choctaw Indians own any land or claim any land or improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors go before either the Commission which was appointed under the act of Congress approved March 3, 1837, or before the Commission appointed by the act of Congress approved August 23, 1842, and claim any benefits as Choctaw Indians? A I don't know. My father left me a good many years ago.

These Commissions were appointed because of the complaints made by a great many Choctaw Indians that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the states, but that Colonel Ward had neglected to put their names upon his list known as Ward's Register; and his neglect to do this caused a great many Indians who had land in Mississippi upon which they had improvements, to lose both; both were taken from them by the government and sold at its public

79.

land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their claims under article fourteen, and also proved that land had been taken from them in the old Choctaw Nation and sold by the government?
- A My wife's father bought land in Arkansas from some niggers.
- Q Did any of your wife's ancestors go before either of these two Commissions, the Commission of 1837 or the Commission of 1842?
- A I think not.
- Q Did any of her ancestors receive any of this scrip which was issued under the act of Congress approved August 23, 1842? No answer.
- Q Have you any other evidence you want to present now in support of this claim you make for yourself and wife? A I could get some evidence here.
- Q Have you any here now? A No; there is a gentleman here that knew my grandmother.
- Q Do you speak or understand the Choctaw language? A Not a bit.
- Q Does your wife? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes, medium fair complexion, his hair is gray, his whiskers and mustache are gray, showing a little dark; claims his hair was absolutely black; he doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article of the treaty of 1830, nor on the part of his wife's ancestors with any of the provisions of that article of that treaty.

- Q How does your wife look now? A She's kinda red complected.
- Q How about her hair? A Kinda brown.
- Q Any gray? A Yes sir.
- Q Eyes are blue? A I believe they are blue; I wouldn't be certain.
- Q She doesn't speak Choctaw? A Not a bit.
- Q And does she have any knowledge of the compliance on the part of her ancestors with article fourteen? A She don't know anything about that.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Sworn to and subscribed before me this 14th day of June, 1902.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, May 21, 1902.

A. G. Bolling,

Denison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, replying to our communication of March 19, 1902, advising you that you would be allowed thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses setting forth that you claim for yourself and your wife the right to be identified as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898.

You state in your letter that you did not receive our communication until recently and in conclusion desire to be informed what affidavits you should obtain and if it would be necessary for you to personally appear before the Commission.

The thirty days time designated in our letter of March 19, 1902 having expired, you are now advised that if you desire to make application for identification as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory, within thirty days from the date hereof.

The legislation vesting the Commission with authority to determine the identity of so called Mississippi Choctaws as contained in the twenty-first section of the act of Congress of June 26, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830 referred to in the above legislation is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent, within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

The Commission will require of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in

A C B S

Mississippi in 1830 and whose rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 were favorably adjudicated.

If you anticipate making such application you should do so within the time designated herein. If at the conclusion of the thirty days time specified herein no application is made by you for identification as a Mississippi Choctaw, the Commission will then pass upon the rights to enrollment of yourself and your wife as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 20, 1903.

Allen G. Bolling,
Denison, Texas.

Dear Sir:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Allen G. Bolling, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Allen G. Bolling and Nancy Bolling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office.

A. G. B. # 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. D. J. [Signature]

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5753.

Muskogee, Indian Territory, January 20, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Allen G. Bolling, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Allen G. Bolling and Nancy Bolling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

J. D. McMillen.

Commissioner in Charge.

Muskogee, Indian Territory, February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Allen G. Bolling, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 20, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dinty
Acting Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M.O.R. 5753

Land.
9337-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith the record of the proceedings before the Commission to the Five Civilized Tribes in the matter of the claim to identification as Mississippi Choctaws of Allen G. Bolling, for himself and his wife Nancy Bolling, wherein a decision adverse to the applicants was rendered by the Commission on January 20, 1903.

An examination of the evidence in this case shows that the applicants claim identification by reason of their descent from Nancy Bolling (nee Ely) or Jack Lee, who, it is alleged, were citizens of the Choctaw Nation and residents of Mississippi in 1830.

The Commission states in its decision rejecting these applicants that the names of Nancy Bolling (nee Ely) or Jack Lee, or of ancestors less remote, are not found in its records as having complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The office has caused a search to be made of its records for the names of Nancy Bolling (nee Ely) and Jack Lee, and they are not found in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is therefore, recommended that the decision of the Commission rejecting these applicants, be approved.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C.10341-1903.
I.T.D. 3038-1903.
L.R.S.

C O P Y.
F.H.E.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 9, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 5, 1903, you transmitted the record in the case involving the application of Allen G. Bolling (M.C.R. 5753), for himself and his wife, Nancy Bolling, for identification as Mississippi Choctaws, including your decision of January 20, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Nancy Bolling (nee Ely), who is alleged to have been a full blood Choctaw Indian, and Jack Lee, who is alleged to have been possessed of some Choctaw Blood, degree thereof not stated, and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

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Muskogee, Indian Territory, April 20, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Allen G. Bolling, et al., of which decision you were advised by mail on the 20th day of January, 1903.

Respectfully,

MINN

Tams Dixby.
Chairman.

COPY

Muskogee, Indian Territory, April 23, 1903.

Allen G. Bolling,
Danison, Texas.

Dear Sir:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Allen G. Bolling, et al., of which decision you were advised by registered mail on the 20th day of January, 1903.

Respectfully,

Tams Dixby.

Chairman.

71D
JUN 20 1900
COMMISSION TO FIVE TRIBES

FILED
JUN 20 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

Name Allen G. Bolling (Date) 6/1/1900 1899. Dunson, Texas
 Choctaw? yes County not on rolls Year 1885 No.
 Chickasaw? no County Year Page
 Citizen by blood? yes Mother's citizenship
 Intermarried citizen? no

Married under what law?
 License filed this day, Nancy Lee Bolling (69)

Wife's name,
 Choctaw? yes County (father) - William Lee No.
 Chickasaw? no County (mother) - Lee Year Page

Citizen by blood? yes Mother's citizenship Choc. 1/2 (wife)
 Intermarried citizen? no (father) - Choc. 1/2

Married under what law?
 License filed this day Choc. not on rolls

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

(father) same as Bolling (Dead)
(Choc. 1/2, Choc. 1/2)
mother - Sarah Barber (Dead)
(Choc. full)

In case No. 663--Choc /R. the name of applicant's wife is given as "Nancy Lee," Bolling, in the testimony; and as "Nancy L.," Bolling in the judgment.

R. C. G.
Oct. 12, 1900 -

For Identification as a Mississippi Choctaw.

Date

JUN 3 1902

Name Allen S. Bolling.

Age 78

Blood

~~1/8~~ 1/4

Post-Office, Kenison, Tex.

Father: James W. " d

Mother: Sarah " d

Claims through father ~~and mother~~
 wife. Nancy Bolling, d. ~~63~~
 miss. choctaw
 Claims for wife -

~~Children~~

father & Nancy (wife) 1/8
~~Richard~~
~~James~~ Lee, (d) 1/4
 mother, — (d) —

Claims for self
 and wife —

Stenographer A. G. McMillan

Choctaw MCR 5754

Jesse M. Watson

See MCR 762

MCR 5754

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 3rd, 1902.

#8754.

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In the matter of the application of Jesse M. Watson for the identification of himself and his minor child, Bessie Flora Watson, as Mississippi Choctaws.

J. G. Halls attorney for applicant.

Jesse M. Watson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jesse M. Watson.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Oak, Ellis County.
Q What state or Territory? A Texas.
Q How long have you lived in Texas? A All my life.
Q Where have you lived most of the time in Texas? A Well, I have lived near Oak where I live now.
Q In what County? A Ellis.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Marion F. Watson.
Q What is your mother's name? A Elizabeth Watson.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A One-thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A M. M. Watson.
Q Is she a white woman and living? A Yes sir.
Q Don't make any claim for her then do you? A No sir.
Q Have you any children you want to make application for? A Bessie Flora.
Q How old is she? A Fifteen months old.
Q That is all the children? A Yes sir.
Q You claim for yourself and this child? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

#2.

- Q Is your wife M. H. Watson the mother of this child? A Yes sir.
- Q When and where were you married to her? A In the same county I live in---Ellis County.
- Q Texas? A Yes sir.
- Q Were you married by a minister under a license? A Married by the County Judge.
- Q Was your wife ever married before she married you, and did you ever marry before you married her? A No sir, neither one.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you, before this application made by you now, ever made application either to the Dawes Commission or the Choctaw tribal authorities for enrollment as a Choctaw citizen? A No sir.
- Q You never have been admitted then with your child to citizenship in the Choctaw Nation by any authority whatever? A No sir.
- Q Do you now come before the Commission to be identified with your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, I suppose so.
- Q Do you understand that article? A That's what I now claim under.
- Q Do you understand it? A Yes.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply in any way or attempt to comply with that article of that treaty? A I don't know hardly whether I understand what you mean by that or not.
- Q Do you understand article fourteen of that treaty well enough to claim under it; you said you understood it? A Yes.

#3.

- Q Do you know if any of your Choctaw ancestors complied with these provisions as you have heard them read; did they go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states; did you ever hear that any of your ancestors did that? A No sir.
- Q Did you ever hear that any of your ancestors owned any land or claimed any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir, not that I know of.
- Q Did any of them own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Well, if they did, I don't know; I don't know anything further about it.
- Q These questions rather indicate what I mean when I ask the question --if your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen; article fourteen stated that the Indians who stayed back there in the old Choctaw Nation must do certain things, and these things are embodied in the question I have just asked? A What I mean if they owned any is more than I know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A As far back as I know?
- Q Yes, as far as 1830? A It comes through Lydia Tubbs; I believe they say it is spelled Tubb but I always heard it Tubbs.
- Q Was that her maiden name or was that her married name; was that her name before she was married or after she was married?
- A I suppose it was before she was married; I get mine through the mother, and she through the father, and the father through his mother; you could have some idea by that.
- Q Is that Lydia Tubbs her maiden or married name? A I can hardly tell you.
- Q You claim through your mother Elizabeth Watson? A Yes sir.
- Q What was her maiden name? A Elizabeth Moore.
- Q She was born where? A Alabama, I believe.
- Q How old is she now? A About fifty-eight I guess.
- Q She claimed through which parent, father or mother? A Father.
- Q What was her father's name? A Billy Moore.
- Q He claimed through which parent, father or mother? A Mother.
- Q Her maiden name was what? A Well, I reckon Fannie Tubbs.
- Q Exactly; then Fannie Tubbs would be the maiden name, and she married a man by the name of Moore; is that right? A I suppose that's right.
- Q Well now what relation was Lydia Tubb to you? A Great-grandmother I think.
- Q Lydia Tubb married who? A Moore.
- Q What was his full name? A I don't believe I can tell.
- Q How did you ever hear that Lydia Tubb who married a Moore lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir, I don't.
- Q Did you ever hear that any of her descendants through whom you get your Choctaw blood lived there in 1830 and was the head of

#4.

- a family there then? A No sir.
- Q How old would Lydia Tubb be if living now? A I couldn't tell you.
- Q Where was she born and when do you know? A No sir, I don't.
- Q Where and when did she die? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, were required, to go to the United States Indian Agent within six months from the ratification of the treaty, if they wanted to take advantage of article fourteen of it, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His failure to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both, for they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, by an act of Congress approved March 3rd of that year, and also in 1842 by another act of Congress approved August 23rd of that year, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under the act of Congress approved August 23, 1842, and was issued to those Indians who proved their claims under article fourteen, and also proved that they had had land in the old Choctaw Nation and that the government had taken it from them.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws, that have been here before you? A Right recently, yes sir; some of my same family.
- Q Claiming through Tubb? A No, they didn't get it through Tubb.
- Q I want to know if you have any kinfolks who claim through Tubb or any of these Tubbs? A I don't know.
- Q Do you know anything about George Tubb? A No sir.
- Q You don't know anything about Fannie's father? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

By attorney Ralls:

- Q You are not well posted on the family history? A No sir.
- Q And have to depend on other persons? A No sir, my daddy died when I was three years old and I never got much only just what my kinfolks has told me; of course there is somethings about

#6.

what I have told that I knowed all my life.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown eyes; florid complexion; light brown hair; doesn't understand or speak the Chectaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions or article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14 day of June, 1902.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, September 6, 1902.

T. J. Cole,

Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, enclosing certified copy of marriage record between J. M. Watson and E. M. Murray, and certified copy of marriage record between William G. Moore and Susan Brown, which you offer for filing in support of the case of J. M. Watson and other descendants of William G. Moore whose cases are included in the consolidated Mississippi Choctaw case of LaFayette E. Ikard et al. The same have been filed with the record in the case of J. M. Watson.

Yours truly,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5754

ATTACHED ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Jesse M. Watson,
Oak, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie G. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Ailine Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burselon, R. D. Burselon, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Keba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, (SIGNED).

Samuel J. ...

Registered.

Chairman.

M.C.R. 8754

Muskogee, Indian Territory, May 1, 1905.

Jesse M. Watson,
Oak, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.

No. 5754

For Identification as a Mississippi Choctaw.

Date

July 2, 1902

Name Jesse M. Watson,

Age 27 - Blood 1/32

Post-Office, Oak, Texas

Father: Marion F. Watson, d

Mother: Elizabeth " l

Claims through mother

wife, E. M. E. Watson w. l.

No claim for wife.

Children:

Bessie Flora " 15 m

Claims for self &
child.

Stenographer A. L. McNeill

Choctaw MCR 5755

Alexander Coleman

See MCR 5940, 5756, 5757
5758, 5759, 5760, 5761, 5762

MCR 5755

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Alexander Coleman, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Alexander Coleman	M.C.R. 5755
Julia E. Coleman	" 5940
Youngs Coleman	" 5756
Mary F. Madden, et al	" 5757
Ell Coleman, et al	" 5758
Charles B. Coleman, et al	" 5759
Thomas B. Coleman	" 5760
Dillie F. Coleman, et al	" 5761
John F. Coleman, et al	" 5762

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Alexander Coleman, et al.

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Original application of Alexander Coleman before the Dawes Commission for identification as a Mississippi Choctaw	1
Original application of Julia E. Coleman before the Dawes Commission for identification as a Mississippi Choctaw	7
Affidavit of Alexander Coleman	13
Original application of Youngs Coleman before the Dawes Commission for identification as a Mississippi Choctaw	14
Affidavit of Ell Coleman	19

(Page)

Certificate of Clerk of County Court of Crawford County, Arkansas	20
Affidavit of John Albertson	21
Joint affidavit of Thomas Coleman and Urzula Coleman ..	22
Original application of Mary F. Madden, et al., before the Dawes Commission for identification as Mississippi Choctaws	23
Original application of Zill Coleman, et al., before the Dawes Commission for identification as Mississippi Choctaws	28
Certified copy of marriage record of Zill Coleman and Elizabeth A. Hart	33
Original application of Charles B. Coleman, et al., before the Dawes Commission for identification as Mississippi Choctaws	34
Marriage license and certificate of marriage of C. B. Coleman and Emma J. Padgett	38
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Decision of the Commission refusing the consolidated application of Alexander Coleman, et al., for identification as Mississippi Choctaws	54

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 3rd, 1902.

#5755

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In the matter of the application of Alexander Coleman for
the identification of himself as a Mississippi Choctaw.

No attorney.

Alexander Coleman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Alexander Coleman.
Q What is your age? A Seventy-five.
Q What is your post office address? A Memphis, Texas.
Q How long have you lived there? A I have been there ten years last fall.
Q Where were you born? A Born in Tennessee.
Q How long did you live in Tennessee? A I stayed there until I was seventeen years old.
Q And then you went where? A From there to Louisiana, and from there to Mexico.
Q And from there where? A Back to Louisiana, then stayed there a few years and came to Texas.
Q And have lived there since? A Mexican war was in '46, '07 and '08.
Q You say your father isn't living? A No sir, dead.
Q Is your mother living? A No sir, dead.
Q Do you claim your Choctaw blood through your father or mother? A Mother.
Q How much Choctaw blood do you claim through your mother? A Well, she was---my mother's mother was a full blood, and on my grand-daddy's side he was half.
Q Well do you claim through both father and mother? A I don't claim anything through my father at all.
Q How much do you claim? A I claim one-eighth.
Q What was your father's name? A Enoch Coleman.
Q What was your mother's name? A Her name was Polly.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I have understood so.
Q Did she ever live in the Choctaw Nation, Indian Territory?
A I can't tell.

#2.

- Q Well then you don't know whether she was ever enrolled in the Indian Territory? A I can't tell that; that was before my recollection; she died when I was small; my father died before I could recollect him.
- Q Where did your mother die? A Died in Tennessee.
- Q Never did live in the Territory? A Not in this Territory.
- Q Are you married now? A Yes sir.
- Q What is your wife's name? A I have had two wives; do you want both their names?
- Q Yes; give me your first wife's name first? A Mary Ann McCune.
- Q She's now dead? A Yes sir.
- Q Did she have any Choctaw blood or was she a white woman?
- A She was a white woman.
- Q What is your second wife's name? A Sallie J. Foster.
- Q Is she a white woman? A Yes sir.
- Q Have you any minor children that you want to make application for? A No sir; children is all of age.
- Q You don't make any claim for your second wife then? A No sir.
- Q Your children are all of age are they? A Yes sir.

They will have to make application for themselves. Children that are over twenty-one or married will have to claim for themselves.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir.
- Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever, either the Choctaw tribal authorities or the United States authorities, previous to the application you are making now? A No sir, never have.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q You never have been enrolled have you as a member of the Choctaw tribe of Indians by any authority whatever? A No sir.
- Q Do you understand article fourteen of the treaty of 1830?
- A Well I think hardly altogether; heard it here several times.
- Q Do you think you understand it without explanation? A I think so.
- Q Or would you like to have it explained? A Well you can explain it.

In 1830 there was a treaty made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September. The object of this treaty, which was made between the Choctaw Nation and the United States government, was to remove all of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw

#3.

Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Now do you know whether any of your ancestors complied with or attempted to comply with any of the provisions of that article of that treaty? A No, not personally I don't.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified now as a Mississippi Choctaw?
- A Jim Hendricks.
- Q What relation was Jim Hendricks to you? A He was my mother's father.
- Q Grandfather? A Grandfather of mine.
- Q How much Choctaw blood did he have? A He was half.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation at any time? A That's what I have learned; I don't know it personally.
- Q Did you ever hear that he lived there in 1830 and was the head of a family there then? A Yes sir.
- Q Learned that in the family; learned it as a matter of family history and tradition did you? A Yes sir, I learned it in the family.
- Q How old would this Hendricks be if living now, do you know?
- A No sir, I couldn't tell you.
- Q You claim through your mother Pelly, do you now? A Yes sir.
- Q You yourself are seventy-five; where were you born? A Tennessee.
- Q Where was your mother living at your birth? A Tennessee.
- Q And your father? A Tennessee.
- Q Did your mother Pelly ever live in Mississippi or Alabama?
- A Not that I know of.
- Q Well you were born three years before the treaty of 1830?
- A Yes sir.

#4.

- Q Now, what Choctaw ancestor did you ever have, do you know, who lived in that old Choctaw Nation in 1830, three years after the time you were born, and who had a family of children living there then, that you are a descendant from? A What ancestor? Yes? A This here Jim Hendricks.
- Q Jim Hendricks was your grandfather? A Yes sir.
- Q You were born in 1827? A Yes sir.
- Q Your father at your birth was living in Tennessee? A Yes sir.
- Q And was his father at that time living in Mississippi; I mean your mother's father, I don't mean your father's father; Jim Hendricks was your mother's father? A That's before my recollection; I suppose he was.
- Q You understand what I want; I want to know who was living in Mississippi or Alabama either, in the old Choctaw Nation, and had a family of children at that time in the old Choctaw Nation, three years after you were born--if you were born in 1827--three years after that in 1830, some ancestors of yours having Choctaw blood, which you probably claim to be your grandfather Jim Hendricks, living or who ought to have lived in the old Choctaw Nation at that time; do you know anything about that? A No, only just from what I get.
- Q Do you know if Jim Hendricks ever did live in the old Choctaw Nation? A No sir.
- Q Do you know whether he ever had a family of children in either of these states in that portion of it called "Choctaw Nation" in 1830? A Not to my own knowledge.
- Q Did you ever hear so in the family? A Yes sir.
- Q Who told you so in the family? A Sister.
- Q Older than you? A Yes sir.
- Q Where was she born? A She was born in Tennessee.
- Q How much older was she than you? A About ten years.
- Q Then your father and mother continued to live in Tennessee for ten years after you were born? A That is, my mother did; my father died.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830, by owning or claiming land in the old Choctaw Nation under article fourteen of that treaty? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not as I know of.
- Q Did any of them, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No, I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A Not that I knew of.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that

#5.

treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His failure to do so caused a good many Indians who held land in Mississippi upon which they had improvements, to lose that land and the improvements upon it, because the government of the United States took the land and sold it at its public land sales. This was injustice to the Indians brought about by the carelessness of Colonel Ward and so many complaints were made that Congress appointed two Commissions, one in 1837 and the other in 1842; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not as I know of.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Have you any other evidence that you want to present now in support of this claim? A Yes sir.
- Q Have you got any now? A No sir.
- Q Do you want any time? A Yes sir.
- Q Fifteen days time do? A I would rather have a little longer.
- Q If you seriously intend to present other evidence in this case I would give you thirty days; do you think you require thirty days? A Yes sir.
- Q Do you want to get some testimony here to show compliance on the part of your ancestors with the provisions of article fourteen of the treaty of 1830? A Yes sir.

Thirty days time is allowed this applicant in which to introduce further evidence in support of this claim.

- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; his hair is gray, also his mustache; his eyes are hazel; he has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

48.

Albert G. McKillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 10th day of June, 1902.



Notary Public.

J. F. H.
C. V. H.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Alexander Coleman, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Alexander Coleman	M.C.R. 5755
Julia E. Coleman	" 5940
Youngs Coleman	" 5756
Mary F. Madden, et al	" 5757
Bill Coleman, et al.,	" 5758
Charles B. Coleman, et al	" 5759
Thomas B. Coleman	" 5760
Dillis F. Coleman, et al	" 5761
John F. Coleman, et al	" 5762

--- D E C I S I O N : ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Alexander Coleman for himself; by Julia E. Coleman for herself; by Youngs Coleman for himself; by Mary F. Madden for herself and her four minor children, Bigar G., Alta, Ona and Jennie May Madden; by Bill Coleman for himself and his three minor children, Wade, Bonzie and Mace Coleman; by Charles B. Coleman for himself and his two minor children, Otis and Ora Coleman; by Thomas B. Coleman for himself; by Dillis F. Coleman for himself and his two minor children,

Lee and Ollie Y. Coleman, and by John Y. Coleman for himself and his minor child, Essie Glee Coleman, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jim (or James) Hendricks, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1894 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

-3-

claimants thereunder, that the said Jim (or James) Hendricks, or an ancestor less remote, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ora Madden, Jennie May Madden, Ell Coleman, Wade Coleman, Bonnie Coleman, Elsie Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Lee Coleman, Ollie Y. Coleman, John F. Coleman and Essie Elie Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

OCT 27 1902

Commissioner.

Muskogee, Indian Territory, October 27, 1902.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia E. Coleman,	M.C.R. 5940
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles R. Coleman, et al.,	M.C.R. 5759
Thomas B. Coleman,	M.C.R. 5760
Dillie F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein, is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie Kay Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Rhee Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie Y. Coleman, John F. Coleman, and Essie Oleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James D. Doby.
Acting Chairman.

Muskogee, Indian Territory, October 27, 1902.

Alexander Coleman,
Memphis, Texas.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M. C. R. 5755
Julia E. Coleman,	M. C. R. 5940
Youngs Coleman,	M. C. R. 5756
Mary F. Madden, et al.,	M. C. R. 5757
Zill Coleman, et al.,	M. C. R. 5758
Charles B. Coleman, et al.,	M. C. R. 5759
Thomas R. Coleman,	M. C. R. 5760
Billis F. Coleman, et al.,	M. C. R. 5761
John F. Coleman, et al.,	M. C. R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

A.C.-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie May Madden, Zill Coleman, Wade Coleman, Bonsie Coleman, Rhea Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie Y. Coleman, John F. Coleman and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James E. Smith

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alexander Coleman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Alexander Coleman,	M C R 5755
Julia E. Coleman,	M C R 5940
Youngs Coleman,	M C R 5756
Mary F. Madden, et al.,	M C R 5757
Zill Coleman, et al.,	M C R 5758
Charles B. Coleman, et al.,	M C R 5759
Thomas B. Coleman,	M C R 5760
Dillie F. Coleman, et al.,	M C R 5761
John F. Coleman, et al.,	M C R 5762

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by

Secretary-2.

letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Bixby.
Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 5765.

Land, 68313-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir.

I have the honor to submit herewith the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties, wherein a decision adverse to their claims was rendered by the Commission on October 27, 1902:

Alexander Coleman for himself; Julia Coleman for herself; Youngs Coleman for himself; Mary F. Madden for herself and four children, Edgar C., Alta, Ona, and Jennie May Madden; Zili Coleman for himself and three children, Wade, Bonzie and Rhee Coleman; Charles B. Coleman for himself and two children, Otis and Ora Coleman; Thomas B. Coleman for himself; Dillis F. Coleman for himself and two children, Leo and Ollie Y. Coleman; and by John F. Coleman for himself and child Essie Cleo Coleman.

It is shown by the testimony in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from one James Hendricks.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that James Hendricks, or any ancestor less remote, or any of the applicants ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the name of James Hendricks is not among the names of those Choctaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither ~~there~~ there so found the names of any of their descendants, and the office recommends that the finding of the Commission rejecting the parties be approved.

Under date of November 2, 1902, Youngs Coleman, one of the parties to the record in this case, forwarded to the Department the affidavit of ^{one} Charles Smith in further support of the claim of the applicants for identification, which said affidavit was referred to this office by the Department under date of December 10, 1902. This affidavit sets out that the affiant, Charles Smith, is 84 years of age and that he knew the ancestor, James Hendricks, through whom these applicants seek identification; that James Hendricks attempted to comply with the provisions of the 14 article of the treaty of 1830. Reporting hereon, the office renews its recommendation above made, as the name of James Hendricks does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H. H'r.

partment concurs therein and your decision is accordingly affirmed.
A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

D.C.-2326-1903.

(COPY)

J.W.H.
FHE?

I.T.D. 7850-1902
7503-1902.
L.P.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, JANUARY 22, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 12, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Alexander Coleman (M.C.R. 5745), for himself; of Julia E. Coleman; of Youngs Coleman; of Mary F. Madden for herself and her four minor children; Edgar C., Alta, Ona and Jennie May Madden; of Zill Coleman for himself and his three minor children, Wade, Bonnie and Rhee Coleman; of Charles B. Coleman and his two minor children, Otis and Ora Coleman; of Thomas B. Coleman; of Dillis F. Coleman for himself and his two minor children, Leo and Ollie Y. Coleman; and of John F. Coleman for himself and his minor child, Kessie Clee Coleman, including your decision of October 27, 1902, refusing to identify them as such.

The principal applicant, Alexander Coleman, was born in Tennessee in 1827. He claims that his degree of Choctaw blood is 1/8th. His mother was one Polly Coleman; she was the daughter of a James (or Jim) Hendricks, a 1/2 blood Choctaw who was the head of a family in the Choctaw Nation in 1830. Applicant Julia Coleman is the daughter of the said Alexander Coleman. The other applicants are the descendants of his brother, Zill Coleman.

It appears that the records in your possession as well as those at the Indian Office, fail to show that any of the alleged ancestors complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

From the testimony of these applicants it seems that they are entirely ignorant of any compliance whatever on the part of any of their alleged ancestors with said article or acts; in November, 1902, however, applicant Youngs Coleman filed with the Department the affidavit of one Charles Smith, 84 years of age, who states:

"I came from the Choctaw Nation in the State of Mississippi to the Choctaw Nation Indian Territory about the year 1844. While I was in Mississippi I knew James (called Jim) Hendrix who lived out there in the Nation. I think he was about a half-blood Choctaw Indian. I know that he tried to be enrolled and that he went to the agent there and tried to be enrolled for the five years stay under the 14th Art. of the treaty of 1830 and that he thought he was enrolled and afterwards ascertained that he was either not enrolled or that he had been so enrolled and that his name had been scratched off of the record.

It is noted that there is nothing in the above affidavit which shows that the James Hendrix named therein is identical in person with James (or Jim) Hendricks, the alleged ancestor. It is also observed that the said affiant not only fails to show the source of his information, but he is also uncertain as to the matters which he attempts to relate.

In view of the facts stated above, it is the opinion of the Department that the evidence in the case is insufficient to warrant the identification of these applicants as Mississippi Choctaws.

Reporting in the matter December 17, 1902, the Commissioner of Indian Affairs recommended that your action be approved. The De-

Mustang, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

SIGNED

James Dixby.

Acting Chairman.

CC-2

Muskogee, Indian Territory, January 31, 1903.

Alexander Coleman,
Memphis, Texas.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Tame Dixie.
Acting Chairman.

Consolidated Case
of
Alexander Coleman

REF. TO M. C. R. 5155

Jim Hendricks⁺
(dead)
(or James ")

Polly Hendricks^(dead)
mar
Enos Coleman
(dead)

Gill Coleman
wife
Frances Coleman
(or Francis dead)

mer
5756
Youngs Coleman 58- $\frac{1}{16}$
mar
M. J. McCurdy
(or Minerva S.) - w.

Enos Coleman
Martha "
Ursula "
Thomas "
Melena "
Sarah "
Robert "

mer
5757
Mary F. Coleman 34- $\frac{1}{32}$
mar
John F. Madden
w.

mer
5758
Zill Coleman 32- $\frac{1}{32}$
mar
Elizabeth A. Hart
w.

mer
5759
Charles B. Coleman 30- $\frac{1}{32}$
mar
Emma J. Padgett
w.
mer
5760
Thomas B. Coleman 27- $\frac{1}{32}$

mer
5761
Dillie F. Coleman 25- $\frac{1}{32}$
mar
Lizzie King
w.
mer
5762
John F. Coleman 22- $\frac{1}{32}$
mar
Hattie L. Hopper
(dead) w.

mer
5757
Edgar C. Madden 13
Alta " 9
Ona " 4
Jennie May " 2

mer
5758
Wade Coleman 5
Bonzie " 4
Rhee " 2

mer
5759
Otis Coleman 3
Ora " 1
mer
5761
Leo Coleman 5
Ollie Y. " 2

mer
5762
Essie Cleo Coleman 1

Jim Hendricks ^{1/2}
(or James " (dead))

Polly Hendricks
dead

mar
Enos Coleman
(dead)

mar
5755

Alexander Coleman 75-¹/₈

mar

① Mary Ann McCune
- w. (dead)

② Sallie J. Foster
- w.

Ursula Coleman

mar
- Herrington

Caladonia Coleman
dead

mar
- Lancaster

left 4 children,
Lucinda Moore
Louisa Childers
Kate Phipps
Caroline Gilliam

mar
5940

Julia E. Coleman 28-¹/₆

John S. Coleman

Sallie W. Coleman

mar

Childers
Ellen C. Coleman

mar

Wall
Zoda R. Coleman

mar

Rolls
Eula C. Maukins
(nee Coleman)

Annie V. Simmons
(nee Coleman)

Mattie F. Simmons
(nee Coleman)

Ursula Allison
(nee Coleman)

For Identification as a Mississippi Choctaw.

Date

Name Alexander Coleman,

Age 75 Blood 1/8

Post-Office, Memphis, Texas,

Father: Enos Coleman d

Mother: Polly " d

Claims through mother —
wife (1)

Mary Ann, Coleman, —(d)— w

wife (2) Sallie J. " (d) w

No claim for 2nd wife —

Children:

claim for rep
alone —

Stenographer A. G. McMillan

Choctaw MCR 5756

Youngs Coleman

See MCR 5755

MCR 5756

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 3rd, 1902.

#5786.

-----00-----

In the matter of the application of Youngs Coleman for the identification of himself as a Mississippi Choctaw.

No attorney.

Youngs Coleman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Youngs Coleman.
Q What is your age? A Fifty-eight.
Q What is your post office address? A Ateka, Indian Territory.
Q How long have you lived there? A Couple of months.
Q How long have you lived in the Indian Territory? A Sixteen years.
Q Where have you lived most of the time? A Most of the time in the Choctaw---San Bois.
Q Where were you born? A Arkansas.
Q At what place in Arkansas? A I was born---I couldn't tell you; I was born---I couldn't tell you.
Q How long did you live in Arkansas? A I lived there from the time I was born until I was about sixteen years old.
Q Then you went where? A Indian Territory.
Q Where did you go after that, or did you stay in the Territory?
A I stayed in the Territory, with the exception of staying in Texas two or three months.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Bill Coleman.
Q What was your mother's name? A Her name was Frances.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim through your father?
A One-sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Do you remember when and where your father and mother were married? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.

#2.

- Q White woman? A Yes sir.
Q What is her name? A Her name is M. J. Coleman.
Q You make no claim for your wife? A No sir.
Q Your children are all of age are they? A Yes sir.
Q You make application just for yourself do you? A Just for myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application at any time for citizenship in the Choctaw Nation before this present application that you are making now? A No sir.
Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Not so very well.

The treaty of 1830 was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. A good many Indians refused to go under the treaty to the Choctaw Nation, Indian Territory, and before the treaty was signed article fourteen was put into the treaty to protect the interests of those Indians who stayed back in the old Choctaw Nation. Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

#3.

Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with any of the provisions of that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A It will be through my----Hendricks will be the name; it will be through my great-grandmother I reckon.
- Q Give me the full name? A Jim Hendricks.
- Q How did Jim Hendricks ever live in the old Choctaw Nation in Mississippi or Alabama? A I have been told he did.
- Q How old would he be if living now? A I don't know.
- Q What was his wife's name? A I don't know.
- Q How much Choctaw blood did he have do you know? A I don't know; my understanding was that he was half Choctaw.
- Q What relation was he to you? A He was my great-grandfather.
- Q Alexander Coleman has made application to-day to be identified as a Mississippi Choctaw claiming through Jim Hendricks; what relation is he to you? A My uncle.
- Q Your father's brother? A Yes sir.
- Q He was Zill Coleman's brother? A Yes sir.
- Q How you are fifty-eight years old are you not at the present time? A Fifty-eight I think so, yes sir.
- Q And your uncle Alexander Coleman is seventy-five years old is he not, at least you heard him say so in his application?
- A Yes sir.
- Q Now do you think that Jim Hendricks your grandfather and the grandfather of your uncle who is seventy-five years old, is the Choctaw ancestor who lived in the old Choctaw Nation in 1830 and had a family of children there then? A I have heard so, that's all I know about it.
- Q Well then he must have been living in Mississippi according to the testimony of Alexander Coleman; he must have lived in Mississippi and had a family of children there then when his grandson Alexander Coleman was three years old and lived in Tennessee wasn't it, you heard that testimony? A Yessir, that's what he testified to.
- Q You heard that testimony didn't you? A Yes sir.
- Q And you think he did live there at that time? A Yes sir, I understood he did live there.
- Q Your knowledge of whether Jim Hendricks was the Choctaw ancestor through whom you claim and who lived in Mississippi in 1830 and was the head of a family there then, comes to you through family history and tradition? A Yes sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

#4.

- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q You never heard whether any of your ancestors in any way complied with article fourteen of that treaty? A No sir.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, in order to take advantage of article fourteen of the treaty of 1830, had to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. This was required under article fourteen and a great many Choctaw Indians did it but Colonel Ward neglected to put their names upon his list known as Ward's Register. His failure to do this caused a good many Indians who held land in the old Choctaw Nation upon which they had improvements, to lose both the land and their improvements, for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress by an act approved August 23, 1842. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Have you any relatives who have appeared before the Commission except your uncle Alexander Coleman? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Have you any other evidence that you want to introduce at the present time? A Not now.
- Q Do you care for any time in which to introduce other testimony? A You might give me thirty days.
- Q Thirty days time has been allowed your uncle Alexander Coleman; do you really need thirty days? A I think I really need thirty days time.

Thirty days time is allowed this applicant in which to present further evidence in support of this claim.

- Q Do you understand or speak the Choctaw language? A Well, not very well, Judge. I can speak a little of it but not very good.
- Q Don't pretend to understand it? A Don't pretend to understand it.
- Q Is there anything further you want to speak of? A Nothing at present.

#5.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes; medium dark complexion; hair gray, he claims it was formerly black; smooth face; he has no knowledge of the Choctaw language, doesn't understand or speak it, and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of June, 1902.

Charles H. Sawyer

Notary Public.

Miss. Choctaw R5766
R 5761 and R5762

Muskogee, Indian Territory, June 21, 1902.

Youngs Coleman,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of joint affidavit of Thomas Coleman and Ursula Costney relative to the marriage of Youngs Coleman and Minerva I. McCurdy, in Crawford County, Arkansas, about March 31, 1884, which is offered in support of the application of Youngs Coleman for identification as a Mississippi Choctaw, and you are advised that before the same can be accepted as conclusive evidence of your marriage to your wife, Minerva Coleman, it will be necessary for you to furnish the certificate of the Clerk of Crawford County as to your inability to secure certified copy of the marriage license and certificate between the said Youngs Coleman and Minerva I. McCurdy. The affidavits have been filed with the record in the above named case, as has also the affidavit of Zill Coleman, offered in the same case.

Receipt is also acknowledged of marriage license and certificate between Frank Coleman and Hattie Hopper, offered in support of the application of John F. Coleman, et al. for identification as Mississippi Choctaws. The same has been filed with the record in this case.

Y.C. 2

Receipt is also acknowledged of marriage license and certificate between D. P. Coleman and Lizzie King, offered in support of the application for identification as Mississippi chieftains of Billie W. Coleman, et al., and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Chootaw R8879

Muskogee, Indian Territory, July 8, 1902.

Youngs Coleman,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 1, inclosing certificate of E. D. Cochran, County Clerk of Crawford County, Arkansas, to the destruction of the marriage records in that county by fire in March 1877, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Chootaws, and the same has been filed with the record in your case.

Yours truly,

Acting Chairman.

Miss. Choc. 8756

Muskogee, Indian Territory, July 17, 1902.

Youngs Coleman,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing the affidavit of John Alburtsen, which you offer for filing in support of your application for identification as a Mississippi Choctaw, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 5756

Muskogee, Indian Territory, October 27, 1902.

Youngs Coleman,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia R. Coleman,	M.C.R. 5940
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles B. Coleman, et al.,	M.C.R. 5759
Thomas R. Coleman,	M.C.R. 5760
Dillis F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Youngs Coleman-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie May Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Khee Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie Y. Coleman, John W. Coleman and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. [Signature]
Acting Chairman.

Registered,

MCR 5756

Muskogee, Indian Territory, July 21, 1905.

Blanton & Andrews,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 15th instant, asking to be advised the status of the application for the identification of Y. Colman et al. as Mississippi Choctaws.

In reply you are informed it appears from the records of this office that the Secretary of the Interior on January 22, 1903, approved the decision of the Commission to the Five Civilized Tribes dated October 27, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Alexander Coleman, et al., of which the application of Youngs Coleman is a part, and of which departmental action the several applicants were duly notified on January 31, 1903.

This case is considered closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

Miss. Choctaw 5756

Muskogee, Indian Territory, November 13, 1902.

Younge Coleman,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, stating that you have received notice that your application for identification as a Mississippi Choctaw had been rejected because the evidence was insufficient to identify you as a Mississippi Choctaw and that you had been allowed fifteen days within which to file argument in your case. You state that you are too poor to employ an attorney to advise you, but that if you are permitted, you can introduce evidence sufficient to identify you.

In reply to your letter you are advised that the fifteen days heretofore granted in this case having expired on November 11, 1902, the record in the case was on November 12, 1902, forwarded to the Secretary of the Interior for review. The Commission therefore considers this case closed and you will be advised in due time of the action of the Secretary.

Respectfully,

Acting Chairman.

M.C.R. 5755

COPY.

Muskogee, Indian Territory, January 31, 1903.

Youngs Coleman,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Tams Dixby.

Acting Chairman.

No. 5756

For Identification as a Mississippi Choctaw.

Date JUN 2 1902

Name Youngs Coleman

Age 58 Blood 1/16

Post-Office, Atoka, I. T. —

Father: Zill Coleman, I.

Mother: Frances " d

Claims through father —
wife M. J. Coleman, I. W.
No claim for wife

~~Children:~~

Claim for self
alone

Stenographer Q. L. McMillan

Choctaw MCR 5757

Mary F. Madden

See MCR 5755

MCR 5757

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 3rd, 1902.

#5757.

-----000-----

In the matter of the application of Mary F. Madden for the identification of herself and her four minor children, Edgar C., Alta, Ona and Jennie May Madden, as Mississippi Cheetaws.

No attorney.

Mary F. Madden being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary F. Madden.
Q What is your age? A Thirty-four.
Q What is your post office address? A Wetumka, Indian Territory
Q How long have you lived there? A Since last November.
Q Where were you born? A Arkansas.
Q Where in Arkansas? A Crawford County.
Q How long did you live in that state? A About eighteen months.
Q Then you went where? A Indian Territory, Cheetaw Nation.
Q Have you lived there since? A Yes sir.
Q Is your father living? A Yessir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Youngs Coleman.
Q He has just made application to be identified as a Mississippi Cheetaw hasn't he? A Yes sir.
Q What is your mother's name? A M. J. Coleman.
Q Through which parent do you claim Cheetaw blood? A My father.
Q How much do you claim? A One-thirty-second I guess.
Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Do you know when and where your father and mother were married?
A Married in Van Buren, Crawford County, Arkansas.
Q Are you married? A Yes sir.
Q Was your father married by a minister under a license?
A I don't know.
Q Do you know the exact date of his marriage? A No sir, I don't.
Q The proof of his marriage will be filed in his case, will it not, No. 5756? A Yessir.
Q Is your husband living? A Yes sir.

#2.

- Q Is he a white man or Indian? A White man.
Q What is his name? A John F. Madden.
Q Do you make any claim for him? A No sir.
Q Now give me the name of your children under twenty-one years of age and unmarried for whom you want to make application?
A Edgar C. is the oldest.
Q What is the age of this one? A Thirteen.
Q Next? A Alta.
Q Girl? A Yes sir.
Q This first one is a boy isn't it? A Yes sir.
Q How old is Alta? A Seven.
Q The next? A Ona.
Q Girl? A No sir, he's a boy.
Q How old? A He's four.
Q Next? A Jennie May.
Q That's a girl? A Yes sir.
Q How old? A Two years old.
Q The next? A That's all.
Q You claim for yourself and children do you? A Yes sir.
Q Is John F. Madden the father of these children? A Yes sir.
Q Are you living with your husband and are these children living with you at your home? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made or that any body has ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
Q Have you ever been enrolled as a Choctaw Indian with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand it; do you want it repeated or explained?
A I don't know whether I understand it or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests of those Indians who stayed

#3.

back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon saidlands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article do you know?
- A I don't know.
- Q What is the name of your ancestor through whom you claim now?
- A Jim Hendricks.
- Q What relation was he to you? A Must have been about my great-great-grandfather.
- Q He was your father's great-grandfather? A Yes sir.
- Q Do you know whether he lived in the old Choctaw Nation in Mississippi in 1830 and had a family there, or was the head of a family there then? A No sir.
- Q Did you ever hear that in the family; did you ever hear that from any body in the family? A No sir.
- Q You heard your great-uncle Alexander Coleman testify to-day didn't you? A Yes sir.
- Q He's your father's uncle--your great-uncle? A Yes sir.
- Q You also heard your father Youngs Coleman testify to-day?
- A Yes sir.
- Q Did you hear either of them say that they claimed through Jim Hendricks, and Jim Hendricks they understood used to live in Mississippi and had a family there then? A Yes sir.
- Q Did you ever hear them say it before to-day? A Yes sir.
- Q And your grand-uncle Alexander Coleman is seventy-five years old isn't he? A Yes sir.
- Q Your father is fifty-eight; these are pretty old members of your family and kin; now you have heard them talking about it and heard them say that they understood that Jim Hendricks your great-great-grandfather lived in Mississippi in 1830 and had a family there then? A Yes sir.
- Q All you know about it is what you have heard them say?
- A Yes sir.
- Q Do you know whether any of your Choctaw ancestors owned any land or claimed any land in Mississippi or Alabama under article

#4.

fourteen of the treaty of 1830? A No sir, I don't.

- Q Do you know whether any of your Choctaw ancestors, Jim Hendricks or any body else through whom you are descended, having Choctaw blood, complied or attempted in any way to comply with article fourteen of the treaty of 1830? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know, no sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

In 1837, and also in 1842, by various acts of Congress, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because a good many Choctaw Indians claimed that within six months after the ratification of the treaty of 1830, that is, within six months from February 24, 1831, they had gone to the United States Indian Agent, Colonel Ward, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states, but that Colonel Ward had neglected to put their names upon the list made by him and known as Ward's Register. This failure of his, or negligence, caused a great many Indians who held land in the old Choctaw Nation to lose their land and the improvements upon it; both were taken from them by the government and sold at its public land sales. This caused so many complaints that these Commissions were appointed.

- Q Do you know whether any of your Choctaw ancestors went before the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No sir, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen, and also proved that they had their land taken from them by the government and sold.

- Q Do you want to have your case consolidated with the cases of your grand uncle Alexander Coleman and your father Youngs Coleman? A Yes sir.
- Q And all other relatives too I suppose that claim through the same common ancestor? A Yes sir.

#5.

Alexander Coleman's application, No. M C R 5755, is here referred to for the purpose of consolidation; also the case of Youngs Coleman father of this applicant, M C R 5756, is referred to as being one of these consolidated cases.

- Q Do you understand or speak the Choctaw language? A No sir.
Q Is there anything more you want to say in support of this claim? A No sir.
Q Have you any other evidence that you want to present to the Commission now? A No sir.
Q Do you care for any time in which to introduce other testimony in this case? A If my case is consolidated with the others I would like to wait until they finish their evidence.

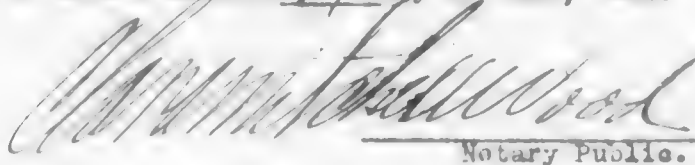
Thirty days time is allowed this applicant for the purpose of introducing further testimony in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown eyes; very dark hair, almost black; her complexion is also dark; she doesn't speak or understand the Choctaw language and never heard of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 27 day of June, 1902.


Notary Public.

COPY.

M.C.R. 5787

Muskogee, Indian Territory, October 27, 1902.

Mary F. Madden,

Wetumka, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia R. Coleman,	M.C.R. 5940
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles R. Coleman, et al.,	M.C.R. 5759
Thomas R. Coleman,	M.C.R. 5760
Dillis F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Mary F. Madden-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie May Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Rhee Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie X. Coleman, John F. Coleman, and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments, in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

M.C.R. 5757

COPY.

Muskogee, Indian Territory, January 31, 1903.

Mary E. Madden,

Wetumka, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Iamc Dixie.

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

Name

Mary F. Madden.

Age 34

Blood

1/32

Post-Office,

Wetumpka, I. T.

Father:

Young Coleman l.

Mother:

M. J. " l

Claims through

~~wife -~~ father
~~husband.~~

John F. Madden, l.w.
 No claim for husband

Children:

Edgar C. Madden, 13

Alta " F. 7

Oma " M. 4

Jimmie May " F. 2

claim for self
 and children

Stenographer A. G. McMillan

Choctaw MCR 5758

Zill Coleman

See MCR 5755

MCR 5758

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 3rd, 1902.

#5752.

-----000-----

In the matter of the application of Will Coleman for the identification of himself and his three minor children, Wade, Bessie, and Rhoe Coleman, as Mississippi Choctaws.

No attorney.

Will Coleman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Will Coleman.
Q What is your age? A Thirty-two.
Q What is your post office address? A Ada, Indian Territory.
Q How long have you lived in the Indian Territory? A I have lived here for sixteen years.
Q Where were you born? A Born in Arkansas.
Q And from Arkansas did you go to the Territory? A Yes sir.
Q What is your father's name? A Youngs Coleman.
Q What is your mother's name? A M. J. Coleman.
Q Is she living? A Yes sir.
Q Both parents are living? A Yes sir.
Q You claim through father or mother? A Father.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A M. A. Coleman.
Q Living and white? A Yes sir.
Q You make no claim for her? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Three.
Q What is the name of the eldest? A Wade.
Q How old? A Five years old.
Q What is the name of the next? A Bessie.
Q Girl? A Yes sir.
Q Wade a boy? A Yes sir.
Q How old is Bessie? A She's four years old.
Q The next? A Rhoe.
Q Is that a girl or boy? A Girl.
Q How old is Rhoe? A Two years old.
Q That is all the children? A Yes sir.

#2.

- Q You claim for yourself and children? A Yes sir.
Q Is your wife, M. A. Coleman, the mother of these children?
A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were either you or your wife married before you married each other? A No sir.
Q Have you the proof of the marriage of your father and mother and also of your own marriage to your wife M. A. Coleman?
A I have my license in my pocket.
Q You want to file it now do you with this case? A Yes sir.

Certified copy of the marriage license and certificate of the marriage of Zill Coleman and Elizabeth A. ~~Gakman~~ Hart presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q You have no other evidence with you have you, that you want to file now? A No sir.
Q You want thirty days time in which to present other testimony or evidence in this case? A Yes sir.

Thirty days time is allowed this applicant in which to file further evidence in this case.

- Q And also produce within that time if you can the proof of the marriage of your father and mother? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application that you have ever made of any description for citizenship for yourself and children in the Choctaw Nation? A Yes sir.
Q Neither you nor your children have ever been admitted to citizenship in the Choctaw Nation have you by any authority?
A No sir.
Q Do you now want to be identified with them as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
A Yes sir.
Q You understand that article? A Yes sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under

#3.

ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted in any way to comply with article fourteen of that treaty? A No sir, I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Hendricks.
- Q Full name? A Jim Hendricks.
- Q What relation was he to you? A He's my father's grandfather. My great-great-grandfather I guess.
- Q How much Choctaw blood did he have do you know? A No.
- Q You claim yourself one thirty-second? A Yes sir.
- Q What relation is Alexander Coleman to you? A My great uncle.
- Q What relation is Youngs Coleman? A My father.
- Q What relation is Mary F. Madden? A My sister.
- Q They have all made application to be identified as Mississippi Choctaws on this date have they not? A Yes sir.
- Q Claiming through Jim Hendricks? A Yes sir.
- Q Do you want to have their cases and yours consolidated?
- A Yes sir.

The case of Alexander Coleman, M C R 5755, is here referred to for the purpose of consolidation.

The case of Youngs Coleman, also the father of this applicant, M C R 5756, is here referred to.

- Q How old would Jim Hendricks be if living now? A I don't know.
- Q Have you any knowledge of the fact as to whether he lived in the old Choctaw Nation in Mississippi in 1830 and was the head of a family there then? A No sir, I haven't.
- Q Have you ever heard that in the family? A Why, all I know about is what I have heard my father and uncles say about it.
- Q You have heard them say so? A Yes sir.
- Q When did you hear them for the first time? A I have heard them talk about it off and on.
- Q Do you know where in Mississippi Jim Hendricks lived?
- A No sir.
- Q Did he or any of your ancestors own land or claim land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

#3.

- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q You claim through your father Youngs Coleman do you not?
- A Yes sir.
- Q And he claims through his father or mother? A Claims through his father.
- Q His father Zill Coleman? A Yes sir.
- Q You are claiming under your grandfather Zill Coleman? A Yes sir.
- Q And Zill Coleman claimed through his father or mother?
- A His mother.
- Q Who was his mother? A His mother was a Hendricks.
- Q Was she the daughter of Jim Hendricks? A Yes sir.
- Q Then Jim Hendricks would be your grand uncle---Alexander Coleman's grandfather? A Yes sir.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register, and his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both; they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed, under an act approved August 23rd of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that Jim Hendricks or any of your ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians? A No sir, I don't know; I couldn't say.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress of August 23, 1842, and was given to all Choctaw Indians who not only proved their right under article fourteen, but proved that their land had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further you want to say now in support of this claim? A No sir.

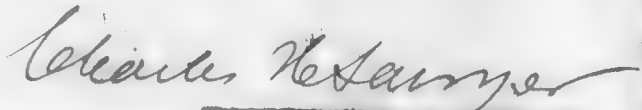
#4.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown eyes; dark complexion; somewhat tanned; black hair; has no knowledge of the Ojibwa language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 3rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 12th day of June, 1902.


Notary Public.

COPY.

M.C.R. 5758

Muskogee, Indian Territory, October 27, 1902.

Zill Coleman,

Ada, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia E. Coleman,	M.C.R. 5940
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles B. Coleman, et al.,	M.C.R. 5759
Thomas B. Coleman,	M.C.R. 5760
Dillie F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Zill Coleman-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie May Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Rhoe Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie X. Coleman, John F. Coleman and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Dixby.
Acting Chairman.

Registered.

OPY

Muskogee, Indian Territory, January 31, 1903.

Zill Coleman,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Lemo Tracy

Acting Chairman.

No. 5753—

For Identification as a Mississippi Choctaw.

Date

Name *Jill Coleman*Age 32 Blood $\frac{1}{32}$ Post-Office, *Ada, I. T.* —Father: *Young Coleman, I*Mother: *M. J. " I*Claims through *father*
wife - *E. A. Coleman, I. W.**No claim for*
wife -

Children:

<i>Wade Coleman</i>	<i>♂</i>	
<i>Bozzie</i>	<i>" F</i>	<i>4</i>
<i>Rhee</i>	<i>" F</i>	<i>2</i>

Claims for
self and
children

Stenographer

A. L. McVicker

Choctaw MCR 5759

Charles B. Coleman

See MCR 5755

MCR 5759

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 3, 1902.

5759

In the matter of the application of Charles B. Coleman for the identification of himself and his two minor children, Otis and Ora Coleman, as Mississippi Choctaws.

No attorney for applicant:

Charles B. Coleman, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charles B. Coleman.
Q What is your age? A Thirty years old.
Q What is your post office address? A Briartown, Indian Territory.
Q How long have you lived at Briartown? A Since Christmas.
Q Where did you live before that? A At Choctaw.
Q How long have you lived in the Indian Territory? A 15 or 16 years.
Q Where were you born? A Arkansas.
Q Did you live in Arkansas till you came to the Indian Territory?
A Yes sir.
Q Where in Arkansas did you live? A Crawford County.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A Youngs Coleman.
Q What is your mother's name? A M.J. Coleman.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A A thirty second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Do you know when and where your parents were married? A I know where; they said they was married at VanBuren, Arkansas.
Q What day of the month and year? A I can't say.
Q Under license by minister? A I don't know.
Q Are you married? A Yes sir.
Q What is your wife's name? A Emma J. Coleman.
Q Is she living and a white woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children? A Yes sir.
Q How many? Two.

Q What is the name of the eldest? A Otis.
Q Is that a boy? A Yes sir.
Q How old is he? A Three years old.
Q Who next? A Ora.
Q A girl? A Yes sir.
Q How old? A One year old.
Q Is that all? A Yes sir.
Q You claim for yourself and child, do you? A Yes sir.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Is Emma J. Coleman the mother of these two children? A Yes sir.
Q Were either you or she married before you married each other? A No sir.
Q Are you and your wife living with this child at your home? A Yes sir.
Q Have you proof of your marriage with you? A Yes sir.
Q Is this the original license and certificate? A I don't know; that was forwarded to me.
Q Do you want to file this paper with the Commission or would you like to file a certified copy? A Justas well sent this.

Original marriage license and certificate of the marriage of G.B. Coleman and Missi Emma J. Padgett presented by applicant, received, filed, marked Exhibit "A" and made a part of the records in this case.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10th 1896? A No sir.
Q Have you ever been admitted to citizenship as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made for yourself and children for enrollment as citizens of the Choctaw Nation? A Yes sir.
Q Do you now come to be identified as Mississippi Choctaws for yourself and children claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Not thoroughly; I understand it about as well as I could.
Q You think you understand it well enough now, do you? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to

adjoin the location of the parent; If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I don't know.
Q What is the name of your ancestor through whom you claim your right to be identified as Mississippi Choctaw? A Jim Hendricks.
He is my great grandfather; great great grandfather.
Q Did he live in Mississippi in the old Choctaw Nation in 1830? A I don't know but I have been told that he did.
Q Did he have a family there then or was he the head of a family in Mississippi in 1830? A I guess so.
Q How old would he be if living now? A I can't say.
Q Did he have a Choctaw Indian name? A I don't know.
Q Did he speak the Choctaw language? A I don't know.
Q You claim through your father, don't you? A Yes sir.
Q And he claimed through his father or mother? A His father.
Q What was his father's name? A Zill Coleman.
Q And he claimed through whom- his father or mother? A Father.
Q What was Zill Coleman's father's name? A I can't say.
Q He claimed through his father or mother? A I can't say.
Q You cannot trace your ancestry back to Jim Hendricks then can you? A No sir.
Q Did any other of your Choctaw ancestors live in Mississippi than Jim Hendricks? A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't say; I don't know.
Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say.
Q Did any of them go from that old Choctaw nation to the Choctaw nation, Indian Territory between 1833 to 1836? A I don't know.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.

These Commissions were appointed to hear those Indians who remained in the old Choctaw nation endeavoring to register before Col. Ward, the United States Indian agent but whose names he failed to put upon his list known as Ward's register; his failure to do this caused these Indians to have the land taken from them in the old Choctaw nation and sold by the Government; and that was the reason why they

appeared before these two Commissions.

Q You don't know that any of your ancestors went before either of these Commissions do you? A No sir.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to these Indians who proved their rights under article fourteen and who also proved that their lands had been taken from them in the old Choctaw Nation and sold. What relation is Alexander Coleman to you? A My great uncle.

Q Do you want to have his case and yours consolidated? A Yes sir.
Q And also the case of your father and other relatives of yours?
A Yes sir.

The case of Alexander Coleman, 257 35 is here referred to for the purpose of consolidation.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say now in support of your claim? A No sir.

Q Have you any evidence you want to introduce now? A No sir.

Q Do you want any time in which to introduce testimony---Well-yes-

Thirty days will be allowed this applicant in which to introduce other testimony if he desires in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; his hair is nearly black- he has brown eyes, medium dark complexion; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article four teen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 11 day of July, 1902.

Henry G. Hains
Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 5759

Muskogee, Indian Territory, October 27, 1902.

Charles B. Coleman,

Briartown, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia K. Coleman,	M.C.R. 5940
Younge Coleman,	M.C.R. 5756
Mary F. Hadden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles B. Coleman, et al.,	M.C.R. 5759
Thomas B. Coleman,	M.C.R. 5760
Billie F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Charles B. Coleman-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar O. Madden, Alta Madden, Ona Madden, Jennie Kay Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Rhee Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie Y. Coleman, John P. Coleman, and Essie Cleo Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John D. Dixey
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 31, 1903

Charles B. Coleman,
Briartown, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

James Dixie

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 3, 1904

Name Charles B. Coleman,

Age 30 — Blood $\frac{1}{32}$.

Post-Office, Briartown, S. I.

Father: Youngs Coleman, l

Mother: M. J. Coleman, l

Claims through

father —
wife - Emma J. Coleman, l.w.

No claim for wife

Children:

A Otis Coleman, M 3

Ora " F - 1

Claims for self &
children

Stenographer

H. H. Haines

Choctaw MCR 5760

Thomas B. Coleman

See MCR 5755

MCR 5760

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 3, 1902.

5760

In the matter of the application of Thomas B. Coleman for
identification as a Mississippi Choctaw.

No attorney for applicant:

Thomas B. Coleman being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas B. Coleman.
Q What is your age? A Twenty seven.
Q Are you married? A No sir.
Q What is your post office address? A Broken I.T.
Q How long have you lived at Broken? A Well, been around Broken
about 2 or 3 years.
Q How long have you been in the Indian territory? A 15 or 16 years.
Q Where have you lived most of the time? A In close to Broken.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q Where were you born? A In Arkansas- Crawford County.
Q At what age did you go from Arkansas to the Indian territory?
Q Somewhere in 11 or 12 years.
Q What is your father's name? Youngs Coleman.
Q What is your mother's name? A M.J. Coleman.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A About a thirty second.
Q Has your father ever been recognized as a Choctaw Indian or en-
rolled as one by either the Choctaw tribal authorities or the author-
ities of the United States? A No sir.
Q Have you proof of the marriage of your father and mother with you?
A No sir.
Q Can you tell when and where they were married? A I can tell the
time- no I can't but I have been told that they was married in Van
Buren Arkansas.
Q Are you married? A No sir.
Q Claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in
the Indian territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw nation
to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application that you have ever made for citizenship in the Choctaw Nation to any authority whatever, either of the Choctaw tribe or the United States? A Yes sir.

Q You never have been enrolled as a Choctaw Indian by either-- by any authority whatever? A No sir.

Q You now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Well, I don't know; I have heard it repeated several times; it looks like I ought to understand it.

Q Do you want to have it explained further? A I don't think there would be any use.

Q You think you understand the provisions of it pretty well? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article, to your knowledge? A No sir, not that I know of.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jim Hendricks.

Q What relation was he to you? A My father's great-grandfather.

Q What would be your great great grandfather, wouldn't it? A Yes sir.

Q Did he live in Mississippi in 1830? A I have been told that he did; I don't know.

Q By whom have you been told so? A My father and my great uncle.

Q Did they have a family in Mississippi in 1830? A Well, I can't say.

Q Did you ever hear that? A I don't know that I did I don't remember.

Q How old would he be if living now? A I can't say.

Q When was he born and where did he live during his life time? A In Mississippi I suppose.

Q Do you know he was born in Mississippi? A No sir.

Q How much of his life did he live there, do you know? A No sir.
Q When and where did he die? A I can't say.
Q Do you know of any Choctaw ancestor except Jim Hendricks who did live in Mississippi? A No sir.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?
A Not that I know of.
Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay there in Mississippi, take land there and become citizens of the United States?
A I don't know.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of them go from that old Choctaw nation to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838?
A I don't know. I can't say.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified if they wanted to take advantage of article fourteen of that treaty were required to go to the United States Indian agent Col. Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Indians did this whose names Col. Ward neglected to put upon his list known as Ward's register; his failure to do this caused many Indians who had land in Mississippi to lose both the land and the improvements for they were both taken by the Government and sold at Public Sale. This caused so many complaints among the Indians that in 1837 by an act approved March 3, 1837 a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 by an act approved August 23, that year, another Commission was appointed for the same purpose.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians? A Not that I know of.
Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.
Q This scrip was issued under an act of Congress approved August 23, 1842;

Q Would you like to have your case consolidated with that of your grand uncle, Alexander Coleman? A Yes sir.
Q And also your father's application and your brother's and sisters?
A Yes sir.

The case of Alexander Coleman, M.C.R. 5755 is here referred to for the purpose of the consolidation of the cases.

Q Do you speak the Choctaw language? A No sir,

Q Have you any other evidence you want to introduce now? A No sir.
Q Do you want any time? A Yes sir.

Thirry days time is allowed this applicant for the pupose of introducing further testimony if he desires in supert of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, medium dark complexion, brown hair; complexion now somewhat tanned. He does not understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of article four teen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 5760

Muskogee, Indian Territory, October 17, 1902.

Thomas B. Coleman,

Brooken, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as

Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia E. Coleman,	M.C.R. 5490
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles B. Coleman, et al.,	M.C.R. 5759
Thomas B. Coleman,	M.C.R. 5760
Willis F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Thomas B. Coleman-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia E. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie May Madden, Zilla Coleman, Wade Coleman, Bonzie Coleman, Rhoe Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie Y. Coleman, John F. Coleman, and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James Dixby.
Acting Chairman.

Registered.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER INQUIRY TO THE FOLLOWING

M.C.R. 5760

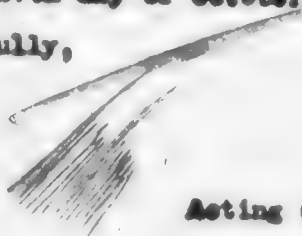
Muskogee, Indian Territory, January 31, 1903

Thomas B. Coleman,
Brooken, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,



Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 2 1892

Name Thomas B. Coleman,

Age 27- Blood 1/32

Post-Office, Broken, D. T.

Father, Youngs Coleman, l

Mother: M. J. - " l

Claims through father ———

Children:

Claims for self
alone

Stenographer

H. B. Hains



2760

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS.
FILE
MAR 9 1903

ACTING CHAIRMAN.

Choctaw MCR 5761

Dillis F. Coleman

See MCR 5755

MCR 5761

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T. June 3, 1908.

5761

In the matter of the application of Dillis F. Coleman for the identification of himself and his two minor children, Lee and Ollie W. Coleman, as Mississippi Choctaws.

No attorney for applicant.

Dillis F. Coleman being duly sworn testified as follows:

Examination by the Commission;

- Q what is your name? A Dillis F. Coleman.
Q what is your age? A twenty five.
Q what is your post office address? A Bella, Texas.
Q How long have you lived there? A Two years.
Q Where did you live before that? A In the Territory.
Q How long did you live in the territory? A About fourteen years.
Q Whereabouts in the Territory principally? A Principally at Hoyt-Choctaw nation.
Q Where did you live before you lived in the Choctaw Nation? A In Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q How long did you live there before you left the State? A I was about nine years old.
Q Where in Arkansas did you live? A Crawford County, close to Van Buren.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A Youngs Coleman.
Q What is your mother's name? A M.J. Coleman.
Q Through which parent do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A A thirty second.
Q Was your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, or the United States authorities in the Indian territory?
A Not that I know of.
Q Can you tell when and where your father and mother were married?
A No sir.
Q Were they married by a minister and under a license? A I can't tell you-- I heard said they were married in Van Buren, Arkansas.
Q Could you get the proof of their marriage within a reasonable time?
Yes I suppose so.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lizzie Coleman.

Q Is she living and a white woman? A Yes sir.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A Yes sir.
Q What is the name of the eldest? A Leo Coleman.
Q How old is Leo? A He is five. The next is Ollie Y. Coleman.
Q How old is Ollie? A Two.
Q Is that all? A That's all.
Q Is Lizzie Coleman the mother of these two children? A Yes sir; supposed to be.
Q And you are the father? A Yes sir.
Q Are you and your wife living together and this child with you at your home? A Yes sir.
Q Can you tell when and where you were married to your wife? A Yes sir.
Q What day of the month and year? A October 6, I believe; I don't believe I can tell the time.
Q Can you introduce the proof within a reasonable time? A Yes sir.
Q You will be allowed a little time in which to do so. Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and any of your children to the Daves Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application you have ever made for citizenship in the Choctaw Nation to any authority? A Yes sir.
Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
Q This is your first application of any kind? A Yes sir.
Q Do you understand article fourteen of that treaty? A I suppose about as well as I can.
Q You don't care to have it explained? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jim Hendricks. My great great grandfather.
- Q Did he have a Choctaw Indian name? A I can't say.
- Q How much Choctaw blood did he have? A He claimed a half I believe.
- Q How old would he be if living now? A I can't say.
- Q What was his wife's name? A I can't say.
- Q Did he live in the old Choctaw nation in 1830? A I don't know.
- Q You don't know whether he lived there then and was the head of a family at that time or in Alabama? A I can't say.
- Q Can you give the name of any Choctaw ancestor who did live in the old Choctaw nation in 1830 and was the head of a family there then?
- A No sir.
- Q You claim through your father? A Yes sir.
- Q And he claimed through which parent? A His father.
- Q His father's name was what? A Zill Coleman.
- Q And he claimed through whom? A His mother.
- Q Her name was what? A Hendricks before she married a Coleman.
- Q Do you know his first name? A No sir.
- Q And she, whose maiden name was Hendricks, claimed through whom?
- A Jim Hendricks I suppose.
- Q Did any of these ancestors you have mentioned except Jim Hendricks live in Mississippi or Alabama in the old Choctaw nation and--
- A I can't say.
- Q Did any of them own or claim any land in Mississippi or Alabama in 1830? A I don't know.
- Q Did they own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go from that old Choctaw nation East of the Mississippi river to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.

The provisions of article fourteen of the treaty of 1830 required that all Indians who stayed in the old Choctaw Nation refusing to go to the Choctaw nation, Indian Territory, in order to take advantage of the provisions of that article, were required to go to the United States Indian agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; in other words they wanted to register under article fourteen of the treaty. Col. Ward neglected to put their names of many of these people who attempted to be registered upon a list made by him and called Ward's Register; his neglect caused many Indians who owned land in the old Choctaw Nation upon which they had improvements to lose both for they were sold by the Government at Public and sale. This caused so many complaints among the Choctaw Indians that in 1837 as well as 1842 Commissions were appointed by Congress under various acts which went to Mississippi and heard claimants under that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under that article of that treaty? A No sir, I don't know.

Q Did any of your Choctaw ancestors receive any scrip from that Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.
Q This scrip was issued under an act of Congress of August 23, 1842.
Q Have you any other evidence you want to introduce now? A No sir.
Q Would you like a little time to do so? A Yessir.

Reasonable time-- not to exceed thirty days-- will be allowed this applicant in which to introduce proper evidence and also proof of his father's and mother's marriage and his own marriage to his wife

Q Do you speak or understand the Choctaw language? A No sir.
Q Would you like to have your case consolidated with the case of Alexander Coleman et al.? A Yes sir.

The case of Alexander Coleman et al., M.C.R. 5755 and others is referred to for consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; rather light brown hair, blue eyes, complexion now somewhat sunburnt-- rather florid complexion. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 11 day of July, 1902.

Henry G. Hains

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 5751

Muskogee, Indian Territory, October 27, 1902.

Dillis F. Coleman,
Bella, Texas.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5735
Julia E. Coleman,	M.C.R. 5940
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5738
Charles B. Coleman, et al.,	M.C.R. 5759
Thomas B. Coleman,	M.C.R. 5760
Dillis F. Coleman, et al.,	M.C.R. 5751
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Dillis F. Coleman,-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julie R. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ona Madden, Jennie May Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Rhee Coleman, Charles R. Coleman, Otis Coleman, Ora Coleman, Thomas R. Coleman, Dillis F. Coleman, Leo Coleman, Ollie Y. Coleman, John F. Coleman, and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

W. L. R. R. R.
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 31, 1903.

Dillie P. Coleman,
Bells, Texas.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

James H. H. H.

Acting Chairman.

No. JUN 27 1902

For Identification as a Mississippi Choctaw.

Date

5761

Name *Willie F. Coleman* (M.)

Age 20.

Blood

$\frac{1}{32}$

Post-Office,

Bells, Texas,

Father:

Youngs Coleman, l.

Mother:

M. J. l

Claims through

father -

wife,

Lizzie Coleman - l.w.

No claim for wife.

Children:

Leo Coleman,

5-

Allie Y. ..

2

*Claims for self &
children*

Stenographer *N. G. Leams -*

Choctaw MCR 5762

John F. Coleman

See MCR 5755

MCR 5762

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 3, 1902.

5762

In the matter of the application of John F. Coleman for the identification of himself and his minor child, Essie Olee Coleman, as Mississippi Choctaws.

No attorney for applicant:

John F. Coleman being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John F. Coleman.
Q What is your age? A Twenty two.
Q What is your post office address? A Atoka, I.T.
Q How long have you lived in Atoka? A About a couple of months.
Q Where did you live before that? A Choctaw, I.T. In the Creek country.
Q How long have you lived there? A Seven years.
Q How long in the Indian Territory altogether? A Fifteen or 16 years.
Q Where did you live before that? A In Crawford County, Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Youngs Coleman.
Q What is your mother's name? A M.J. Coleman.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A Thirty second.
Q Has your father ever been enrolled or recognized as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you proof of the marriage of your father and mother here? A No sir.
Q Do you know when and where they were married? A I have been told in Van Buren County, Arkansas.
Q Know what date? A No sir.
Q Are you married? A Yes I have been; my wife's dead.
Q Have you any children? A One.
Q What is your wife's name? A Hattie L. Coleman; Hepper first.
Q When did she die? A July 27.
Q Last year? A Yes sir, 1901.
Q What is the name of your child? A Essie Olee Coleman.
Q How old is she? A She will be a year old on the 17th of this month.

Q Is Hattie L. Coleman the mother of this child? A Yes sir.
Q You make application just for yourself and child don't you? A Yes sir.
Q Have you proof of the marriage of yourself and ~~your~~ with you? A No sir, not with me.
Q When and where were you married to her? A Chocotah, June 6, 1900.
Q By a minister under a license? A Yes sir.
Q Do you think you could introduce that evidence if given a little time? A Yes sir.

Reasonable time will be allowed for that purpose not to exceed thirty days.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Is that the first application of any kind that you have ever made to the Commission or any authority whatever for citizenship in the Choctaw Nation? A Yes sir.
Q You never have been enrolled, have you, as a Choctaw Indian with your child, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and child as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Well, I have heard it often enough today; I suppose I understand it as well as I could unless I had a written copy of it and studied it.
Q Do you care for an explanation of it? A Well, it might help me out some.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year; it was made for the purpose of inducing all the Choctaw Indians who lived in the old Choctaw Nation to go from that Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Choctaw Indians article fourteen was put into the treaty of 1830. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred

-3-and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with that article of that treaty? A I can't say.

Q What is the name of your ancestor that you claim through? A Jim Hendricks.

Q What is his relationship to you? A My great great grandfather.

Q How much Choctaw blood did he have? A I have been told a half.

Q Did he live in the old Choctaw nation in Mississippi or Alabama? A I can't tell you.

Q Did he live in that old Choctaw nation and was he the head of a family there in 1830? A I can't say.

Q Did you ever hear of any other Choctaw ancestors who did live in that old Choctaw nation? A No sir.

Q Do you know when and where he was born? A No sir.

Q Do you know when and where he died? A No sir.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A None that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I can't say.

Q Did you ever hear that any of your Choctaw ancestors lived in the old Choctaw nation and left there and went to the Choctaw nation, Indian Territory with the other Indians between 1833 to 1838 or 1840? A I can't say.

Q Or that any of them ever owned or claimed any improvements on land in the old Choctaw nation in Mississippi or Alabama in 1830? A None that I knew of.

Q You never heard that any of them owned any land or benefits of any kind under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of 1830 was made on the 27th day of September, that year, and ratified on the 24th day of February, 1831, and under the provisions of article fourteen of the treaty, Indians who desired to stay in the old Choctaw nation could do so and would not lose the privilege of Choctaw citizenship afterwards if they sought to go to the Indian Territory, providing they did certain things incorporated in article fourteen, which were that they should go to the United States Indian agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. Then they might take land and if they lived on it five years intending to become citizens of the States all that time they could get a deed of it from

the Government. A great many Indians attempted to comply with the provisions of that article of that treaty but Col. Ward neglected to put their names on his list known as Ward's register; his neglect to do so caused many Indians who had lands there and improvements to lose both their lands and improvements for they were taken by the Government and sold at Public land sale. This caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3, that year a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose by an act approved August 23, that year, there; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A None that I know of.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I can't tell you.

Q This scrip was issued under act of Congress approved August 23, 1842. What relation is Young S. Coleman to you? A Father.

Q Alexander Coleman? A Great uncle.

Q They have both made application here haven't they? A Yes sir.

Q Together with other relatives of yours claiming through the same common ancestor? A Yes sir.

Q Would you like to have their cases considered with yours? A Yes sir.

Alexander Coleman, M.F.R. 5755, is here referred to for the purpose of consolidation.

Do you speak the Choctaw language? A No sir.

Q Have you any other evidence you want to introduce now? A No sir.

Q Do you care for any time to introduce evidence? A Yes sir; some time

Thirty days is allowed this applicant in which to introduce proper evidence in further support of his claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, medium fair complexion; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 3, 1902, and

that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Hains

Subscribed and sworn to before me this 11 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY

M.C.R. 5762

Muskogee, Indian Territory, October 27, 1902.

John F. Coleman,

Atoka, Indian Territory,.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander Coleman,	M.C.R. 5755
Julia R. Coleman,	M.C.R. 5940
Youngs Coleman,	M.C.R. 5756
Mary F. Madden, et al.,	M.C.R. 5757
Zill Coleman, et al.,	M.C.R. 5758
Charles B. Coleman, et al.,	M.C.R. 5759
Thomas B. Coleman,	M.C.R. 5760
Dillis F. Coleman, et al.,	M.C.R. 5761
John F. Coleman, et al.,	M.C.R. 5762

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

John F. Coleman-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alexander Coleman, Julia F. Coleman, Youngs Coleman, Mary F. Madden, Edgar C. Madden, Alta Madden, Ora Madden, Jennie May Madden, Zill Coleman, Wade Coleman, Bonzie Coleman, Rhee Coleman, Charles B. Coleman, Otis Coleman, Ora Coleman, Thomas B. Coleman, Dillie F. Coleman, Leo Coleman, Ollie Y. Coleman, John F. Coleman, and Essie Cleo Coleman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
WGNM

Wm. D. Dixey.
Acting Chairman.

Registered.

2087

Muskogee, Indian Territory, January 31, 1903.

John F. Coleman,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander Coleman, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Tamie Bixby.
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

Name John F. Coleman.

Age 22 - Blood 1/32

Post-Office, Atoka, I. T. ---

Father: Youngs Coleman, l

Mother: M. J. " l

Claims through father -
wife - Hattie L. Coleman (d.)

Children:

Essie Leo Coleman, 1.

Claims for self
and child

Stenographer

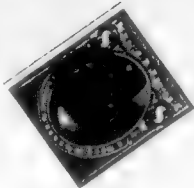
H. H. Haines

TO THE
FRIEND
DEC 1900



199
193.

Removed and left
no address.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James H. Coleman,
Atoka, Indian Territory.

Choctaw MCR 5763

Sarah Hoyt

See MCR 5914

MCR 5763

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Sarah Holt, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

Sarah Holt, et al.,	M.C.R. 5753
Jessie J. Holt,	M.C.R. 8914.

List of papers forwarded to the Secretary of the Interior comprising
the record in the consolidated case of Sarah Holt et al.

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original application of Sarah Holt, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
original application of Jessie J. Holt before the Dawes Commission for identification as a Mississippi Choctaw.....	5
Decision of the Commission refusing the applications in the consolidated case of Sarah Holt, et al., applicants for identification as Mississippi Choctaws.....	10

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T. June 3, 1902.

5763

In the matter of the application of Sarah Holt for the identification of herself and her six minor children, Albert M., John T., Mary E., Barney M., Harvey M. and Herby D. Holt, as Mississippi Choctaws.

W.M. Harrison, attorney for applicant:

Sarah Holt being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Holt.
Q What is your age? A I will be forty four on the 10th of August.
Q You are forty three? A Yes sir.
Q What is your post office address? A Shawnee Oklahoma.
Q How long have you lived in Oklahoma? A Ten years.
Q Where did you live before? A In Arkansas eight years. I lived in Missouri all the rest of my days.
Q Were you born in Missouri? A No sir, I was brought to Missouri when I was eight months old.
Q Where were you born? A In Arkansas, Jackson County.
Q Is your father living? A Yes the last I heard of him.
Q Is your mother? A Yes sir.
Q What is your father's name? A Jesse Brown.
Q What is your mother's name? A Sarah Brown.
Q Through which one do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Have you proof of the marriage of your father and mother with you?
A No sir.
Q Do you know when and where they were married? A In Arkansas but I can't tell you the date.
Q By a minister and under a license? A No sir.
Q Justice of the Peace? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Hiram Holt.
Q Is he living? A Yes sir.
Q White man or Choctaw? A White man.
Q Give me the names of your children commencing with the eldest.
A Albert M. Holt, twenty; John T. Holt, sixteen; Mary E. Holt, 13; Barney M. Holt, 11; Harvey M. Holt, 8; Herby D. Holt, 5.
Q Is Hiram Holt the father of these children? A Yes sir.
Q Are they all living with you and your husband at your home?
A Yes sir, all that's under age.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application you have ever made for yourself and children? A Yes sir.

Q Do you want to be identified now as Mississippi Choctaws? A Yes sir.

Q Do you claim for yourself and children under article fourteen of the treaty of 1830? A Yes sir.

Q You understand that article, don't you? A No sir, I don't.

By W.M. Harrison, attorney for applicant:

Q You have heard this gentleman talking about article fourteen of the treaty of 1830? A Some of it.

Q Do you understand it well enough- do you get a general idea of what it is? A Yes sir.

Q Do you care to have it further explained? A No sir, I don't know as I do.

By the Commission:

Well, the article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply or attempt to comply with that article of that treaty? A None that I know of.

Q What is the name of your ancestor through whom you claim now? A Jimmie Brown.

Q What relation was he to you? A My grandfather.

Q Your father's father? A Yes sir.

Q How much Choctaw blood did he have? A He claimed one half.

Q Did he live in Mississippi in 1830? A Yes sir.

Q Did he have children living there then? A Yes sir.

- Q How do you know he had a family living with him in Mississippi in 1830? A I heard my father talking about it.
- Q Where was he born? A In Mississippi.
- Q Where did he die? A Cape Girardeau, Missouri.
- Q Was your father born in Mississippi? A Yes sir.
- Q How old is your father now? A He is something near seventy eight.
- Q And was born in Mississippi? A Yes sir.
- Q Where is he living now? A South East Missouri.
- Q Where in Mississippi was he born? A In the Dancing rabbit Creek.
- Q In what County was Dancing rabbit Creek? A I can't tell.
- Q Near what town was he born do you know? A No sir; I don't; I never heard- I only heard him speak of his being on dancing rabbit Creek at the Indian gatherings.
- Q Was he born there? A Yes sir; he has often told us children about being there but I have never heard him speak of the conditions.
- Q Do you know when that treaty of Dancing rabbit Creek was--?
- A In 1830.
- Q It was ratified in 1831; your father was too young to have been at that treaty--A Well he was something like nine years old when my grandfather carried him away from there; about the time of the treaty.
- Q Do you know when your grandfather was born? A No sir.
- Q Where? A In Mississippi.
- Q What place? A I don't know what place.
- Q If your father was born 78 years ago in Mississippi of course you believe that 72 years ago your grandfather as well as your father and other members of the family were living in Mississippi? A Yes sir.
- Q Now, did your grandfather, Jimmie Brown go to that treaty of Dancing rabbit Creek? A Well, I can't tell you.
- Q Did he own any land or claim any land in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?
- A I don't know.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A None that I know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of them go from that old Choctaw nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of them go before the Commission appointed by act of Congress of March 3, 1837 or August 23, 1842, and claim benefits under article four teen of the treaty of 1830? A I don't know.

These different Commissions were appointed to hear Choctaw Indian claimants who claimed they had gone to Col. Ward within six months after the ratification of the treaty of 1830 and registered under article fourteen but that he neglected or refused to enroll or register them.

- Q You don't know whether any of your Choctaw ancestors went before either of these Commissions, do you? A No sir, I don't.

Q because they could not register with Col. Ward the Government afterwards took their land away from them and sold it. Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians? A None that I know of.

Q This scrip was issued under an act approved August 23, 1842. Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A None that I know of.

Q Do you speak the Choctaw language? A No sir.

(To attorney) Any questions, Judge? A None.

Q Do you want any time in this case? A No sir. Yes sir.

Q Do you want a little time to get proper evidence in this case?

A Yes sir. (attorney asks for reasonable time in which to furnish such further testimony as they may be able to secure. Motion is granted provided it the time will not exceed thirty days.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes and hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

CSH
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Sarah Holt, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

Sarah Holt, et al.,	M.C.R. 5763
Jessie J. Holt,	M C.R. 5914.

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Sarah Holt for herself and her six minor children Albert M.,
John T., Mary E., Barney M., Harvey M. and Herby D. Holt; and by
Jessie J. Holt for himself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, conclud-
ed September twenty-seventh, eighteen hundred and thirty
and to that end may administer oaths, examine witnesses
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jimmie Brown, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jimmie Brown, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Holt, Albert M. Holt, John T. Holt, Mary R. Holt, Barney M. Holt, Harvey M. Holt, Herby D. Holt and Jessie J. Holt, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 7 1903

M.C.R.5763.

Muskogee, Indian Territory, February 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Holt, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Holt, et al., M.C.R.5763;
Jessie J. Holt, M.C.R.5914.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Holt, Albert M. Holt, John T. Holt, Mary E. Holt, Barney M. Holt, Harvey M. Holt, Herby D. Holt and Jessie J. Holt, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

M., Mem. & O., 2.

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully.

R.D.

Tame Dixie

Acting Chairman.

COPY

M.C.R. 5763.

Muskogee, Indian Territory, February 7, 1908.

W. H. Harrison,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 7th day of February, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Holt, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Holt, et al., M.C.R. 5763;
Jessie J. Holt, M.C.R. 5914.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Holt, Albert M. Holt, John T. Holt, Mary E. Holt, Barney M. Holt, Harvey M. Holt, Herby D. Holt and Jessie J. Holt, as Choctaw Indians entitled to rights in the Choctaw lands under the

W. M. H., 2.

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.
Acting Chairman.

Registered.

M.C.R.5763.

COPY.

Muskogee, Indian Territory, February 7, 1903.

Sarah Holt,

Shawnee, Oklahoma.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Holt, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Holt, et al., M.C.R.5763;
Jessie J. Holt. M.C.R.5914.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Holt, Albert M. Holt, John T. Holt, Mary E. Holt, Barney M. Holt, Harvey M. Holt, Horby D. Holt and Jessie J. Holt, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S. H., 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tamie Dixby.
Acting Chairman.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sarah Holt, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 7, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Sarah Holt, et al.	M.C.R. 5763
Jessie J. Holt	M.C.R. 5914

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

2 inclosures: M.C.R. 5763

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land.
13,877-1903.

March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Sarah Holt for the identification of herself and her six minor children, Albert M., John T., Mary E., Barney M., Harvey M., and Herby D. Holt, and Jesse J. Holt for himself, as Mississippi Choctaws.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Jimmie Brown, who, it is claimed, was a Choctaw Indian and a resident of the Choctaw Nation at the date of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of the ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office

with reference to the name of Jimmie Brown, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

BAF

I T D 2992-1903.
D C 10332

April 8, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Sarah Holt and her minor children, Albert M., John T., Mary E., Barney M., Harvey M. and Herby D. Holt; and of Jesse J. Holt. You refused the applications February 7, 1903.

The applicants claim to be descendants of one Jimmie Brown, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Jimmie Brown, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 17, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of

-2-

his letter is inclosed herewith.

The Department has carefully considered the entire record, and finds no reason to disturb your decision. It is accordingly affirmed.

Respectfully,

(signed)

THOS RYAN.

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Holt, et al., of which decision you were advised by mail on the 7th day of February, 1903.

Respectfully,

Tamr Dixby.
Chairman.

COPY.

Muskogee, Indian Territory, April 23, 1903.

W. M. Harrison,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Molt, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

James Dixby,
Chairman.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Sarah Holt,

Shawnee, Oklahoma.

Dear Madam:

You are hereby notified that on the 8th day of April, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Holt, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

James D. Dixby
Chairman.

Jimmie Brown $\frac{1}{2}$

Jesse Brown
(or Jessie B. ")

wife

Sarah Brown

men
5763

Sarah Brown $43-\frac{1}{8}$

(or Sarah P. ")

man

Hiram Holt 46

- w -

men
5763

Albert M. Holt 20

" John T. Holt 16

" Mary E. Holt 13

" Barney M. Holt 11

" Harvey M. Holt 8

" Herby D. Holt 5

men
5714

Jessie J. Holt $21-\frac{1}{8}$

wife

Ethel Holt.

For Identification as a Mississippi Choctaw.

Date JUN 3 1902

Name Sarah Holt.

Age 43 Blood 1/8

Post-Office, Shawnee, Okla.

Father: Jesse Brown, l.

Mother: Sarah " l.

Claims through father
husband.
Hiram Holt, l.w.

Children:

Jessie J. Holt	
Albert M.	
Adrian M.	20
John T.	16
Mary E.	13
Barnes M.	11
Harvey J. M.	8
Herby L.	5

Claims for self &
children

H. B. Holt

Choctaw MCR 5764

Mary E. Britten

See MCR 5909, 5911, 5910

MCR 5764

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Mary E. Britten, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Mary E. Britten, et al.,	M. C. R. 8764
Florence Nichols,	M. C. R. 8909
Pernie Peyton, et al.,	M. C. R. 8911
Thomas Nathaniel Nichols,	M. C. R. 8910

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
Mary E. Britten, et al.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 3, 1902.

5764

In the matter of the application of Mary E. Britten for the identification of herself and her five minor children, Maud O., Gordie, Henry E., Celia J. and Aaron Nichols, as Mississippi Choctaws.

W.M.Harrison, attorney for applicant:

Mary E. Britten being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Britten--(spelled).
Q What is your age? A Fortyfour last July.
Q What is your post office address? A Shawnee Oklahoma.
Q How long have you lived there? A Nine years last March.
Q Where were you born? A In Olden County, Tennessee.
Q How long did you live there? A I suppose I was about five years old when I came to Kentucky.
Q From there you went where? A To Kansas and from Kansas to Missouri and from Missouri to Kentucky and from Kentucky back to Kansas and then to Missouri and then to Oklahoma.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A M.W.Boykin.
Q What is your mother's name? A Celia Ann Boykin.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A My grandmother was said to be a half; I reckon that would make me an eighth.
Q Was your father ever recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Husband living and a white man? A Yes sir- no sir he is Indian.
Q How much of an Indian is he? A His grandfather was full blood Cherokee.
Q You don't make any claim for him as Choctaw Indian? A No sir.
Q What is his name? A P.E.Britten.
Q Have you any children by him? A No sir.
Q You say you have five children by another man? A Yes sir, my first husband was named William E. Nichols.
Q Nichols-- N-i-c-h-o-l-s? A Yes sir.
Q Was he a white man? A Yes sir.

Q What is the name of your first child? A Maud O. Nichols. She was born in 1882; she's twenty.

Q Next? A Cordie Nichols.

Q How old is she? A Eighteen.

Q That's a girl? A Yes sir.

Q Now the next? A Henry E. Nichols. He is fifteen.

Q Next? A Celia J. Nichols. She's only 12 now; will be 13 in July.

Q The next child? A Aaron.

Q How old is Aaron? A Eight years old.

Q Is that all? A Yes sir.

Q Was your first husband William R. Nichols the father of these children? A Yes sir.

Q How long has he been dead? A Three years last February.

Q Are these children living with you at your home? A Yes sir.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir never did.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application that you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Well, I come claiming Choctaw as my grandfather taught me, but I don't know what I am.

Q Well, you are now trying to identify yourself as a Mississippi Choctaw, are you not? A Yes sir.

Q You claim under article fourteen then, don't you? A I suppose so.

Q Do you understand that article? A I have heard it enough; I think I understand it.

Q Do you think you understand it well enough to waive the explanation? A Yes sir.

Q Do you care to have it explained? A I don't care; I have heard it several times this afternoon.

Q Well, I will explain it if you wish. The treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830 and was made for the purpose of removing those Choctaw Indians who lived there from that old Nation in Mississippi or Alabama East of the Mississippi river to the Choctaw Nation, Indian Territory, but before the treaty was signed it was discovered that many of those didn't want to come to Territory and in order to protect them article fourteen was put into the treaty; the treaty was then signed and afterwards on the 24th of February 1831 was ratified with that article in it. That article was drawn up for the special benefit of what is now called Mississippi Choctaws. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall

thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied with any of the provisions of that article? A I think not.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Her name was Rebecca Brown; some called her Aunt Becky and some Rebecca; I don't know which would be the proper.

Q How much Choctaw blood did she have? A She had a half.

Q What relation was she to you? A My grandmother.

Q What was her husband's name? A John Boykin.

Q White man? A Yes sir.

Q Did they live in Mississippi in 1830 do you know? A Yes sir.

A I don't know.

Q Can you give the name of any ancestor of yours who lived in Mississippi in the old Choctaw nation, whether in Mississippi or Alabama in 1830 and was head of a family then? A I think my grandfather did.

Q What was his name? A Elect Brown.

Q E-l-e-e-k? A I don't know-- (Attorney says A-l-e-x.)

By attorney:

Q Was he ever called A-l-e-x? A I never heard.

By Commission:

Q Was Alex Brown the father of Rebecca? A Yes sir.

Q Then he was your great grandfather? A Yes sir.

Q You think he lived in Mississippi in 1830? A Yes sir.

Q And had a family there then? A I suppose so.

Q What makes you suppose so? A Just because what I have been taught; and my grandmother was born there.

Q Rebecca Brown was born there? A Yes sir.

Q How many years ago? A I can't tell you.

Q How old would she be if living now? A She would be pretty old; for my grandfather, John Boykin lived to be 106.

Q The question is how old was she when she died? and when did she die? A I can't tell you.

Q Do you know of any children who were living in 1830 in Mississippi and children of Alex Brown, your great grandfather? A None but my grandmother.

Q Well, was your grandmother living in 1830? A I don't know what year it was.

Q Have you ever been told by members of your family that your great grandfather, Alex Brown was living in Mississippi in 1830 in the old Choctaw Nation and was head of a family there then? A He lived there and was the head of a family but I don't know what year.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A Not as I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.

Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

The Choctaw Indians who remained back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the States; a good many Indians did this whose names Col. Ward neglected to put upon his list known as Ward's register; his failure to do so caused many Indians who had lands in Mississippi upon which they had improvements to lose both their lands and improvements; they were both taken by the Government and sold at Public Land Sale. This caused so many complaints among the Indians that in 1837 by an act approved March 3, 1837, a Commission was appointed to go to Mississippi and hear claimants under article fourteen of that treaty of 1830; in 1842 another Commission went to Mississippi under act approved August 23, that year, and this Commission heard claimants under article fourteen of that treaty

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842. Your father, M.W. Boykin would be how old if living now?

A Seventy eight years old I believe.

Q And was born in Mississippi? A No sir, in Tennessee.

Q Seventy eight years age? A Yes sir.

Q And he claimed through which parent? A His mother.

Q And her name was what? A Rebecca Brown.

Q She married John Boykin? A Yes sir.

Q She was born where? A I don't know.

Q But did she live in the old Choctaw Nation? A She lived in Mississippi.

Q But it was her father, Alex Brown that you claim lived there in 1830? A I wouldn't say positively in what year he lived there.

Q Did he speak the Choctaw language or have a Choctaw Indian name?
A I can't tell you.
Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Not as I know of.
Q Are you related to Sarah Helt in any way? A I don't know; I think we are connected but I don't know positively.
Q You don't know anything about her ancestor, Jim Brooks? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything more you want to say about this claim? A No sir.
Q Any questions, Judge? A No sir- I would like to have further time if you please to get up some further proof-- you want the marriage certificate of her father and mother or some evidence of this;--30 days please.

Thirty days is allowed, on motion of Judge Harrison, in which to furnish proper proof in further support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes, brown hair nearly black and complexion dark. She has no knowledge of the Choctaw language and no knowledge of the compliance by her ancestors with any of the provisions of article four teen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on June 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 14th day of July, 1902.

Guy L. V. Emerson
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary E. Britten, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Mary E. Britten, et al.,	M.C.R. 5764
Florence Nichols,	M.C.R. 5909
Pernie Peyton, et al.,	M.C.R. 5911
Thomas Nathaniel Nichols,	M.C.R. 5910

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mary E. Britten for herself and her five minor children, Maud O., Gerdie, Henry E., Celia J. and Aaron Nichols; by Florence Nichols for herself; by Pernie Peyton for herself and her minor child Grace; and by Thomas Nathaniel Nichols for himself, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Elect (or Alex or Eleck) Brown, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elect (or Alex, or Eleck) Brown, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats.,

180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Britten, Maud G. Nichols, Cordie Nichols, Henry E. Nichols, Celia J. Nichols, Aaron Nichols, Florence Nichols, Pernie Peyton, Grace Peyton and Thomas Nathaniel Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tame Dixie.

Acting Chairman.

I. E. Needles.

Commissioner.

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 7 1903

Muskogee, Indian Territory, February 7, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary E. Britten, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Britten, et al.,	M.C.R. 5764
Florence Nichols,	M.C.R. 5909
Pernie Peyton, et al.,	M.C.R. 5911
Thomas Nathaniel Nichols,	M.C.R. 5910

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Britten, Maud O. Nichols, Cordie Nichols, Henry E. Nichols, Celia J. Nichols, Aaron Nichols, Florence Nichols, Pernie Peyton, Grace Peyton and Thomas Nathaniel Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M., McM. & C.,-2

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tarns Dixby.
Acting Chairman.

COPY.

M.C.R. 5764

Muskogee, Indian Territory, February 7, 1903.

Mary E. Britten,

Shawnee, Oklahoma.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the five Civilized Tribes rendered a decision in the consolidated case of Mary E. Britten, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Britten, et al.,	M.C.R. 5764
Florence Nichols,	M.C.R. 5909
Pernie Peyton, et al.,	M.C.R. 5911
Thomas Nathaniel Nichols,	M.C.R. 5910

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Britten, Maud O. Nichols, Cordie Nichols, Henry E. Nichols, Celia J. Nichols, Aaron Nichols, Florence Nichols, Pernie Peyton, Grace Peyton and Thomas Nathaniel Nichols as Choctaw Indians entitled to rights in the Choctaw lands under

Mary E. Britten, -2

the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their indentification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Pixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, February 7, 1903.

W. M. Harrison,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary E. Britten, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Britten, et al.,	M.C.R. 5764
Florence Nichols,	M.C.R. 5909
Pernie Peyton, et al.,	M.C.R. 5911
Thomas Nathaniel Nichols,	M.C.R. 5910

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Britten, Maud O. Nichols, Cordie Nichols, Henry E. Nichols, Celia J. Nichols, Aaron Nichols, Florence Nichols,

W. M. Harrison, -2

Pernie Peyton, Grace Peyton and Thomas Nathaniel Nichols as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Doby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary E. Britten, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 7, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Mary E. Britten, et al.	M.C.R. 5764
Florence Nichols	M.C.R. 5909
Pernie Peyton, et al.	M.C.R. 5911
Thomas Nathaniel Nichols	M.C.R. 5910

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James Dixey

Chairman.

Through the
Commissioner of Indian Affairs.

2 1/2 M.C.R. 5764

COPY.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
13,866-1903.

March 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Mary E. Britten for herself and her five minor children, Maud O., Cordie Henry E., Celia J. and Aaron Nichols; Florence Nichols for herself; Pernie Peyton for herself and her minor child Grace; Thomas Nathaniel Nichols for himself, wherein a decision adverse to the applicants was rendered by the commission on February 7, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Alex Brown and Rebecca Boykin nee Brown, who, it is claimed were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim did not appear among those who complied or attempted to comply with the provisions

of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office, and it is discovered that the names of Alex Brown and Rebecca Boykin nee Brown do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

(E.B.H.)
P.

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

MAF.

ITD 3060-1 03.
D C 10333
L R S

April 8, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 24, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Mary E. Britten and her minor children, Maud O., Cordie, Henry E. Celia J. and Aaron Nichols; of Florence Nichols; of Pernie Peyton and her minor child Grace Peyton; and of Thomas Nathaniel Nichols. You denied the applications February 7, 1903.

The applicants claim to be descendants of Elect (or Alex or Eleck) Brown, alleged to have been full blood Choctaw Indians residing in Mississippi in 1830, and Rebecca Boykin nee Brown.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

-2-

Reporting March 18, 1903, the Acting Commissioner of Indian Affairs recommended approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the whole record, and, finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN.

1 inclosure.

Acting Secretary.

M.O.R. 5764

COPY.

Muskogee, Indian Territory, April 23, 1903.

W. M. Harrison,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary B. Britten, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

Tame Dixie

Chairman.

COPY

Muskogee, Indian Territory, April 13, 1903.

Mary E. Tritton,
Cherokee, Oklahoma.

Dear Madam:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary E. Tritton, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

Tams Dixby.
Chairman.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary E. Britten, et al., of which decision you were advised by mail on the 7th day of February, 1903.

Respectfully,

Tome Dixby.
Chairman.

Consolidated Case
of
Mary E. Britten et al

REFER TO M. C. R.

57 64

^{mar}
 5764
 Maud O. Nichols 20
 Cordie " 18
 Henry E. " 15
 Celia J. " 12
 Aaron " 8

^{mar}
 5909
 Florence Nichols 25 $\frac{1}{16}$

Alex Brown
 (or Elect "
 (or Elect ")

Rebecca Brown $\frac{1}{2}$
 mar
 John Boykin

M. W. Boykin
 (or Nathaniel. ") dead
 wife
 Celia Ann Boykin

^{mar}
 5764
 Mary E. Boykin 44 $\frac{1}{8}$
 mar
 ① William R. Nichols
 (dead) w
 ② P. E. Britten
 (" or Britton
 (Cher-au)

^{mar}
 5911
 Pernie Nichols 23 $\frac{1}{16}$
 mar
 Charles N. Peyton
 w

^{mar}
 5911
 Grace Peyton 4

^{mar}
 5910
 Thomas Nathaniel Nichols 21 $\frac{1}{16}$

For Identification as a Mississippi Choctaw.

Date JUN 11 1902

Name Mary E. Britten,

Age 44 — Blood 1/8

Post-Office, Shawnee, Okla.

Father: M. W. Boykin, d

Mother: Celia Ann " l.

Claims through father
husband no 2P. E. Britten, l. & d.
W. R. Nichols, (d) whiteNo claim for husband
no 2 - No 1. was father of

Children: following children.

Maud O. Nichols, 20

~~Anthony~~

Cordie " F. 18

Henry E. " 15

Celia J. " 12

Aaron " 8

Claims for self &
children -

Stenographer H. B. Hains -

Choctaw MCR 5765

Huston Smallwood

See MCR 5693

MCR 5765

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskeges, I.T. June 4, 1902.

8745

In the matter of the application for identification as Mississippi Choctaws of Huston Smallwood for himself and his minor son Charlie Clifton Smallwood.

Applicants not represented by attorney.

Huston Smallwood being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Huston Smallwood.
Q What is your post office address? A Mufaula,
Q How long have you lived in Mufaula? A I live West of Mufaula.
Q How long have you lived near there? A Two years.
Q Where did you live before that? A Two years in Oklahoma and
one year before that in the Creek Nation.
Q Where were you born? A In Arkansas.
Q Where in Arkansas? A Close to Fort Smith.
Q You lived in Arkansas how long before you left that state? A
I was about fifteen years old when I left that state.
Q Then you went where? A We went to Oklahoma; we lived in the
Choctaw Nation part of the time.
Q Then you went where? A To Arkansas.
Q Then you came back to the Territory? A We came back through
the Territory but went to Oklahoma.
Q The last time you went to the Territory you lived here how long?
Two years.
Q How long did you live in Oklahoma before you came to the Territory
A About eight years.
Q Is your father living? A Yes, sir.
Q His name is Charles A. Smallwood? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is her name? A Isabell Smallwood.
Q Through which parent do you claim Choctaw blood? A Through
Charles my father.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your father ever been enrolled or recognized as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in Indian Territory? A No, sir.
Q When and where were your father and mother married? A I don't
recollect; I have heard them say so.
Q Were they married by a minister and under a license? A Yes,
I suppose so.
Q You have not the proof of their marriage with you? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Isabell.
Q Same name as your father's wife? A Yes, sir.
Q She is living is she? A Yes, sir.
Q White woman? A Yes, sir.
Q You make no claim for her? A No, sir.
Q Have you proof of your marriage to your wife with you? A No, sir.

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- Q When and where were you married to her? A In Oklahoma.
Q What place in Oklahoma? A Near Remus post office.
Q Were you married by a minister and under a license? A Yes, sir.
Q Can you give me the date of the marriage? A No, sir; I can't it was in September some time.
Qx You have not got proof of that marriage with you? A No, sir.
Q You think you could get it if given a little time? A Yes; I have done written for it.

You will be allowed fifteen days time to get proof of your marriage and during that time you can introduce any other evidence you want to in support of this claim.

- Q What is your child's name for whom you want to make application? A Charlie Clifton Smallwood.
Q S-h-a-r-l-i-e? A Yes, sir.
Q How old is that boy? A Four months old.
Q Is that all the children you have? A Yes, sir.
Q Is Isabell Smallwood the mother of this child? A Yes, sir.
Q Are you and your wife and the child living together at your home? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory; you never have been enrolled have you? A No, sir; I have not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Is this the first application you have ever made to the Dawes Commission or the Choctaw tribal authorities for enrollment as a Choctaw citizen? A Yes, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of that treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. The treaty was then signed and afterwards on the 24th day of February 1831 was ratified. It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in

like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article do you know? A No, sir; I don't know.
- Q You understand that now well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles Smallwood.
- Q What kin was he to you? A Great grandfather.
- Q How much Choctaw blood did he have? A I don't know; I know what father claims.
- Q Did you ever hear how much he had? A Yes, I heard.
- Q What did you hear? A Why my grandmother, Pa's mother, said he was one-quarter.
- Q He was one-quarter? A Yes, my great grandfather.
- Q You claim through your father do you now? A Yes, sir.
- Q He claims through his mother? A He claims through his grandfather.
- Q Well but did he claim through his father or mother? A Through his father.
- Q What was his father's name? A William Smallwood.
- Q William claimed through Charles Smallwood your great grandfather? A Yes, sir.
- Q Did your father ever live in Mississippi? A I don't know; I heard them talk about Mississippi?
- Q Did you ever hear him say whether he lived in Mississippi or Alabama in the old Choctaw Nation? A No, sir; I have not.
- Q Did his father William ever live in Mississippi? A Yes, sir.
- Q Was he born there? A Her father said he was.
- Q Your father said that his father was born in Mississippi? A Yes, sir.
- Q In the old Choctaw Nation? A Yes, sir.
- Q His father was named Charles, your great grandfather? A Yes, sir.
- Q How was Charles Smallwood living in the old Choctaw Nation in Mississippi in 1830 and did he have a family there at that time? A Yes, sir.
- Q How old would his son William be if he were living now? A Why he would have been between eighty and ninety I guess.
- Q Your family history teaches you that your great grandfather Charles Smallwood had a family living with him in Alabama in 1830 and that his son William was one of these children? A Yes, sir.
- Q Did Charles Smallwood have a Choctaw Indian or speak the Choctaw language? A I don't know.
- Q Did he attempt to comply with article fourteen of the treaty of 1830? A I don't know.

- #4
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1835; do you know? A Yes; there was one brother William that went.
- Q But no ancestor of yours? A No, sir.
- Q A brother to William; what was his name? A Lige Smallwood.
- Q He came, when, to the Indian Territory? A During the separation in 1830.
- Q How do you know that Lige Smallwood came at that time? A Why all I knew is just what I have been told and they know that he left there.
- Q Your father did not come? A No, sir.
- Q He never lived in Mississippi? A No, sir.
- Q His father William did not come? A No, sir.
- Q Your great grandfather Charles Smallwood did not come? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.

The Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory under the treaty with the other Indians were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837, by act approved March 3rd of that year appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.
- Q Never heard that they did? A No, sir.

The act of Congress of August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and if it also further appeared that he had had land in the old Choctaw Nation which the government had taken from him that he might select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A My grandmother said that they was some of them but I don't recollect who it was, that had scrip, --to lay on land just the same as land bonds.
- Q You don't know who received that scrip? A No, sir.
- Q You don't know whether it was your great grandfather Charles Smallwood or William? A No, sir.
- Q Was land ever selected under that scrip? A Not that I know of.
- Q You cannot give the name of any person who did get any? A No, sir.
- Q Have you records of any kind to show? A No, sir.
- Q Have you any other evidence that you want to introduce now? A No, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more that you can think of that you would like to say in support of your claim? A No, sir.
- Q What are the color of your eyes? A They was brown.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has brown eyes; brown hair; his mustache is quite light colored; his complexion is medium dark, now somewhat tanned. He does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

- Q Your father Charles A. Smallwood has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have your case consolidated with his and also have the other cases of relatives who claim through the same common ancestor considered with yours? A Yes, sir.

The case of Charles A. Smallwood, et al., M.C.R. 5693 is here referred to for the purpose of consolidation of these cases.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 14 day of June 1902.

Charles H. Sawyer

Notary Public.

COPY

M.C.R. 5765.

Muskogee, Indian Territory, July 15, 1902.

Huston Smallwood,

Bufaula, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles Alexander Smallwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles Alexander Smallwood, et al.,	M.C.R. 5693
James A. Smallwood,	" 5694
Huston Smallwood, et al.,	" 5765
Mary E. Brown, et al.,	" 5769

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary E. Brown, Birtie E. Brown and Ola Isabella Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tams Bixby

Acting Chairman.

Registered.

Muskogee, Indian Territory, August 23, 1902.

Euston Smallwood,

Bufaula, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charles Alexander Smallwood, et al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Yours truly,

Acting Chairman.

5765

For Identification as a Mississippi Choctaw.

JUN 4 1902

Name *Huston Amallwood*

Age 24 - Blood 1/32

Post-Office, Enfield, S. I.

Father: Charles A. Smallwood, l.

Mother: Isabell, " l

Claims through father -
wife - Isabelle Smallwood, l. w.

No claim for wife -

Children:

Charlie C. Smallwood, 4m

blanks for ref &
shied -

Photographer G. Rosenman

Choctaw MCR 5766

Margaret J. Roy

See MCR 5891, 5836, 5767
5837, 5838, 5890, 5768

MCR 5766

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

-----!-----

In the matter of the application of Margaret Jane Roy,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Margaret Jane Roy,	M. C. R. 5766
George Washington Clark, et al.,	M. C. R. 5891
William Washington Roy, et al.,	M. C. R. 5836
Levi Pinckney Roy,	M. C. R. 5767
Thomas Roy, et al.,	M. C. R. 5837
John James Roy, et al.,	M. C. R. 5838
Mary Barnes, et al.,	M. C. R. 5890
Hannah Rebecca Ann Coleman,	M. C. R. 5768

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together with
the page occupied by each in said re-
cord.

	Page.
Original application of Margaret Jane Roy to the Dawes Commission for identification as a Mississippi Choctaw.	1
Original application of Morgan J. Clark to the Dawes Commission for the identification of his two minor children as Mississippi Choctaws.	8
Original application of William Washington Roy, et al., to the Dawes Commission for identification as Mississippi Choctaws.	13
Original application of Levi Pinckney Roy to the Dawes Commission for identification as a Mississippi Choctaw.	19
Original application of Thomas Roy, et al., to the Dawes Commission for identification as Mississippi Choctaws.	23
Original application of John James Roy, et al., to the Dawes Commission for identification as Mississippi Choctaws.	27
Original application of Mary Barnes, et al., to the Dawes Commission for identification as Mississippi Choctaws.	31

Original application of Hannah Rebecca Ann Coleman to the
Dawes Commission for identification as a Mississippi Choctaw. 36

Testimony of George W. Van in support of the appli-
cations of Margaret Jane Roy, et al. 40

Testimony of Anderson Tatum in support of the appli-
cations of Margaret Jane Roy, et al. 42

Testimony of Benjamin Summit in support of the appli-
cations of Margaret Jane Roy, et al. 43

Decision of the Commission refusing the consolidated
application of Margaret Jane Roy, et al., for identi-
fication as Mississippi Choctaws.

-----|-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 4, 1902.

In the matter of the application of Margaret Jane Roy, et al.,
applicants for identification as Mississippi Choctaws, embracing
the applications of

Margaret Jane Roy,	M.G.R. 5766.
Levi P. Roy,	M.G.R. 5767.
Hannah Rebecca Ann Coleman,	M.G.R. 5768.

A P P E A R A N C E S.

Margaret J. Roy, applicant.

Levi P. Roy, applicant.

Hannah Rebecca Ann Coleman, applicant.

William E. Linton, attorney.

George W. Van, witness in behalf of applicants, being first
duly sworn testifies as follows:

E x a m i n a t i o n by the Commission.

- Q What is your name? A George W. Van.
Q What is your age? A Eighty-eight on the twenty-seventh day of
December next.
Q You are eighty-seven now? A Yes; eighty-seven past.
Q What is your post office address? A Bengs, Indian Territory,
Cherokee Nation.
Q How long have you lived there? A Ever since thirty-six.
Q Eighteen hundred and thirty-six? A Yes, sir.
Q What is your present business or occupation? A Preaching and
doctoring.
Q What do you doctor; horses? A Horses and men and women and
children.
Q You are a preacher are you? A I am sir; ordained.
Q Regularly ordained? A Yes, sir; my license is here.
Q Where did you preach? A In the Cherokee Nation some and some
in the Creek Nation and some in the Choctaw Nation.
Q Travel about? A Yes, sir.
Q Are you a member of the Choctaw tribe? A No, sir; my first wife
was; I am a Cherokee.
Q How much Cherokee? A One-quarter.
Q Were you ever a slave? A No, sir; I was made a slave but I
was not born a slave.
Q Were you not a slave at one time? A No, sir; my mother was a
free woman.
Q How did you happen to become a slave? A Free Negroes in slave
times had to choose a guardian or if they did not do that within
ninety days they were put upon the block and sold to the highest
bidder or go back to Africa.
Q So you were put up and sold to the highest bidder? A No, sir.
Q Well what were you then? A My mother chose Joe Van for her
guardian and mine.

#2

- Q You adopted his name? A Yes; I came by that, my father's name was Joshua McCaney, He was an African Negro; he stayed with my mother until I was about thirteen years old and then he went back to Africa.
- Q You are eighty-seven now? A Yes, sir.
- Q Your father went back to Africa about seventy-four years ago? A I guess it was.
- Q Where were you born? A I was born in the old Nation on the Line of Tennessee and Georgia.
- Q In the old Choctaw Nation? A No, the house stood the hind part in Georgia and the front part in Tennessee.
- Q What do you mean by old Nation? A I mean back in the old Country.
- Q Did you ever live in Mississippi? A Yes, sir.
- Q When? A Why I went there when I was a boy.
- Q Then you were not born in Mississippi? A No, sir..
- Q How old were you when you went to Mississippi? A I commenced to travel over there when I was nine or ten years old; I rode race-horses for Van.
- Q That took you around to Mississippi? A Yes, sir.
- Q But you did not stop in one place for a long time? A Not over two months.

Examination by attorney Wm E. Linton.

- Q Do you know the Lock family uncle George? A I did.
- Q State to the Commission what you know about them without me leading you uncle George? A I knowed Buoy Lock, Jesse Lock, and Tom Lock; John run the race tracks. I use to know them in Pontotoc County, in Mississippi; we use to put up our horses in his barn; George and Tom Lock were there.
- Q George Lock, did he have any other name besides George? A George W. they called him.
- Q Do you know what the "W" was for? A No, I don't unless it was for Washington.
- Q About how long ago was that? A I saw George Lock along in---- the last I ever saw of him was about in 1836 when I moved from that Country and came out here; I never saw him since.
- Q Do you know whether he is living or dead? A I do not know.
- Q Did you afterward see any other member of the Lock family anywhere? A I did.
- Q Where and who? A I seen Buoy over here between Skullyville and Fort Smith in that Choctaw bottom.
- Q That is the Choctaw Nation? A Yes, sir.
- Q How long ago has that been? A That has been about in thirty-eight or nine, I would not be certain.
- Q Do you know this woman here; Margaret J. Lock? A Yes, sir.
- Q How long had you known her uncle George? A I have had acquaintance with her ever since eighty-two.
- Q Where did you first meet her? A Why in the Choctaw Nation, her and her children picking cotton on the LeFlore place; I was picking cotton there with my children.
- Q Do you know what relation she is to George W. Lock whom you knew in Mississippi? A Nothin only hearsay.
- Q Well what have you heard about that; what information have you on that fact? A I never heard anything only that he was her daddy.
- Q How did you get that information? A From Campbell LeFlore.
- Q Where does he live? A We i he is in the ground.
- Q Where did he live? A In the Choctaw Nation.
- Q What was his citizenship? A Full Choctaw.

#6

- Q Was he a recognized Choctaw citizen? A Yes, sir.
- Q Where were these people living at the time you got this information? A We was picking cotton all of us when Jim Ladd and Campbell LeFlora came in the cotton field and-----.
- Q I don't want to know anything about cotton picking; where was she living; on whose farm? A I don't know whose farm it was.
- Q Did you know whether or not she was related to the LeFlores in the Choctaw Nation? A Nothing but what old man Campbell LeFlora said.
- Q What did he say? A Several days he came where we was picking.
- Q I just want to know what he said? A He commenced about picking cotton and commenced to say, when we was eating dinner, that they was some of his folks, this woman was.

By the Commission.

- Q You don't know anything about the treaty of 1830? A No, sir; I don't know anything about the Choctaw treaty.
- Q You don't know whether any of her ancestors complied with that treaty? A No, sir; LeFlora was here in this Country and her daddy I left him along some time in thirty-five in the old Nation and I never did see him any more.

By attorney Linton:

- Q Are you acquainted with Indian tribes, different Indian tribes, Choctaw, Chickasaw, Cherokee and so forth? A Yes, sir.
- Q You said you knew George W. Look in Mississippi; from his appearance what was his Nationality? A Indian.
- Q How much Indian? A He looked like he might be about three-quarters; he was quite dark; I don't know I never heard him say.

By the Commission:

- Q What relation was George W. Look to Margaret J. Roy? A said to be the father.
- Q You said you knew him in Mississippi? A Yes, I knew him well.
- Q Was he born in Mississippi? A I guess he was. From his looks he was an older man than I was.
- Q What was his business? A I know his business there was playing cards, chicken fighting and horses.
- Q You don't know anything about him in 1830? A Well I knew him several years before 1836.
- Q You never heard him say, or anybody say, that he complied with the treaty of 1830? A No, sir; I was on his place and stayed there all night many times but I never heard him say anything about that treaty.
- Q Then you don't know anything further except that he looked something like an Indian? A Yes, sir.
- Q Did he own any land there that he received from the government as a Choctaw Indian? A I don't know; he was on a place.
- Q Don't know whether he bought it or got it from the government? A No, sir; when I left there in 1836 about eight hundred Indians emigrated, some Choctaws and Cherokees and a few Creeks.

Witness excused.....

Anderson Tatum being called as a witness in behalf of applicants after being first duly sworn testifies as follows:

Examination by the Commission.

#4

- Q What is your name? A Anderson Tatum.
Q What is your age? A I am fifty-six years old.
Q What is your post office address? A Bengs,
Q Where? A In the Cherokee Nation.
Q That is in the Territory? A Yes, in the Cherokee Nation.
Q What is your business? A Farming.
Q What is your Nationality; your blood? A It is Ethiopian.
Q You don't claim any Indian blood? A No, sir; I have heard that
I had some but I can't prove it.
Q You are not a citizen of the Choctaw tribe? A No, sir.

Examination by attorney Linton.

- Q Are you acquainted with Mrs. Margaret Jane Roy? A Yes, sir.
Q How long have you known her? A It has been about twenty years
or along somewhere near that.
Q Where did she live when you first knew her? A In the Choctaw
Nation?
Q What part of the Nation? A In there between what was called
Mike Collins' place and the LeFlore farm.
Q Did you know any of her relatives, any of her kin folks? A I
know who was said to be her uncle Buoy Lock.
Q Where did he live? A Somewhere about Skullyville.
Q What relation was he to this woman? A Said to be her uncle.
Q Did you know his father? A No, sir.
Q Are you acquainted with the Indian tribes of people? A Yes, sir.
Q Could you state whether or not Buoy looked like an Indian? A Yes,
he had the appearance of one.
Q How much Indian did he appear to have? A I could not tell; he
was dark though and had black hair.
Q You say you are acquainted with Indian tribes; you can tell a
half breed from a quarter? A He looked like about one-quarter;
I could not tell exactly.
Q You know where he died? A I learned that he died in the
Cherokee Nation; up there at Skullyville.
Q You mean in the Choctaw Nation? A Yes, sir.
Q How came you to know that Mrs. Roy here was a relative of Buoy
Lock's? A I heard people that knew them talk about it then I
heard her talk about uncle Buoy.
Q Do you know whether Buoy Lock claimed to be a Choctaw Indian or
what kind of an Indian? A I think he did.
Q How which? A He claimed Choctaw by blood.

Witness excused.....

Benjamin Summit being called as a witness in behalf of applicant
testifies as follows, after being first duly sworn:

Examination by the Commission.

- Q What is your name? A Benjamin Summit.
Q What is your age? A Eighty.
Q What is your post office? A Ardmore, Indian Territory.
Q How long have you lived at Ardmore, Been living there ever since
last January.
Q Thought you lived up in Kansas? A The old hen is up in Kansas,
I have to go up there and see her once in a while.
Q Your home is in Kansas aint' it Ben; your wife is there and
your home is there; you have no houses except in Kansas? A Yes,
sir.
Q Where have you got any? A Got one in Ardmore.
Q Do you own it yourself? A Yes, sir.
Q Where is that house in Ardmore located? A Down in the South
part of town.

#5

- Q What is your blood or nationality? A I am a regular old big footed Choctaw Indian.
- Q Do you speak the Choctaw language? A I can.
- Q Choctaw-phena? A Chickamaw.
- Q Are you a member of the Choctaw tribe of Indians in Indian Territory? A Yes, sir.
- Q Are you admitted to all the rights of citizenship? A I guess I am; I suppose I am; I put in for it.
- Q I asked you if you are already admitted as a Choctaw Indian having all the rights of a Choctaw Indian in the Indian Territory? A I guess I am.
- Q You mean you have made application for it? A That is what I mean.
- Q It has not been decided yet has it? A I don't know.
- Q Don't you know that you came in her the other day and asked me if I knew what was done with your application? A Yes, sir.
- Q Then you know that you are not regularly admitted? A They told me I was already; to bring my children here.

The records of the Commission show that at Atoka, Indian Territory, June 4, 1901, Benjamin Summit, seventy-eight years of age, made application for the identification of himself and his two minor children, as Mississippi Choctaws, M.C.R. 2548, and that no decision has been rendered by the Commission in said application.

- Q Now Ben that shows that you are not a member of the Choctaw tribe; what made you say you were? A I said I made application for it.
- Q Now that the record has been read you understand that you have only made application? A Yes; that is what I said all the time.

Examination by attorney Linton

- Q Where were you born Ben? A In the state of Mississippi.
- Q How long did you live there? A From the time I was born until 1861.
- Q What County did you live in? A In Pontiac County.

By the Commission:

- Q In what? A We called it Pontiac them days but you all got it Pontatoc,

By attorney Linton:

- Q During your boyhood days did you know a family of people there by the name of Lock? A Yes; George W. Lock was his name.
- Q You are the witness; I want you to tell the Commission about it? A John W. Lock and Emily Lock I knowed them.
- Q How many was in the family do you know? A Fourteen boys and two girls.
- Q Fourteen boys? A Yes, sir.
- Q Fourteen boys; there were only fourteen children altogether you said? A I admit it.
- Q That makes twelve boys? A Yes, sir.
- Q How is it you recollect these people; give the Commission some reason for it if you can? A They would come over to our old log cabin, we lived in log cabins in them days. We use to hunt together and wrestle, we use to fish and we use to go in swimming together

#6

- Q How far did this Lock family live from your family? A About one-half mile.
- Q Do you know the mother of these children? A Well I don't believe I do.
- Q You say you fished together and hunted together? A Yes; but I don't know the mother of them?
- Q Did you ever see her; of course you would not be as familiar with her as with them? A I might have seen her but I don't know.
- Q I do not ask you to give the name; I want to know what she was if you ever saw her? A I seen her but I can't give the name.
- Q What was she? A Well she appeared to me to be a Choctaw Indian.
- Q Well do you know whether she was or not Uncle Ben? A I think she was.
- Q How much Choctaw was she? A She must have been a full breed Choctaw because she could not talk anything but the Choctaw language.
- Q Could George W. Lock talk the Choctaw language? A Yes, sir.
- Q Did you ever see his father? A Not that I know of; If I did I have forgotten it.
- Q What was George W. Lock; how much Indian was he if any? A I don't know.
- Q Did he have any Indian blood in him? A I don't know.
- Q George W. Lock the boy that you played with? A George had Indian blood in him? A
- Q About how much? A It seems like to me he was darker than I was.
- Q Do you remember the names of any other of the Children? A I would remember them if I would go back and study but it has been so long I don't recollect it.
- Q Were there any twins or triplets? A Yes; but I can't tell you the names and ages now.
- Q Let me asked you this question; can you think of the names of any other boys that jumped and played with you and George W. Lock and these Lock children? A John Lock played with us.
- Q Can you think of any children that played with you outside of the Lock family? A No, sir; I cannot.
- Q Just refresh your memory; you say you played and hunted together; can't you tell the names of some other children that you played with? A No, sir; I cannot.
- Q You did not play with the Lock family altogether? A No, sir; but I cannot recollect all these things that have been done seventy or seventy-five years ago; somebody has to freshen my memory up.
- Q You say you left there in sixty-one? A Yes; I left there in sixty-one.
- Q Do you remember the last time that you saw any members of this Lock family? A The last time that I saw any members of this Lock family John Lock was in the same regiment with me; we went into battle at Green Prairie River in Virginia and we were taken prisoners. I don't know where he went but I joined the Union. I joined the Union to fight for Uncle Sam and where he went I don't know.
- Q That John Lock was a brother to George Lock? A Yes, sir.
- Q Was he a Choctaw Indian? A I took him to be a Choctaw or half Choctaw.
- Q Were the Lock family generally regarded as Choctaw Indians in Mississippi? A Yes; they talked like I did and I know I talked Choctaw.
- Q You say your present post office address is Ardmore; that is in the Choctaw Nation? A Yes, sir.

#7

- Q How long have you lived in the Choctaw Nation? A Ever since January first 1902; I have been in and out for the last two or three years but the Judge wants to make out like I live in Wichita Kansas, because my wife lives there.
- Q Do you know one by the name of Buoy Lock? A No; I don't know anything about him, I testify to what I know and what I don't know I won't testify to.

Examination by the Commission.

- Q Well Ben you don't know very much about that family any way?
A No, sir.
- Q What you have testified to simply shows that there was some Choctaw blood in the Lock family? A Yes, sir.
- Q Do you know this applicant Margaret Jane Roy? A No, sir; I never saw her before in my life until I saw her here yesterday.
- Q You don't know then of your own knowledge that she is related to any of this Lock family? A No, sir; only from what has been testified to here.
- Q You don't know whether any of her ancestors complied with article fourteen of the treaty of 1830? A I don't know anything about that.
- Q Or whether any of her ancestors owned any land or claimed any land in Mississippi under article fourteen? A No, sir I do not.
- Q You have testified to everything that you do know? A Yes, sir.

Witness excused,.....

Attorney Linton here asks for time for the introduction of further testimony.

By the Commission.

Q How much time do you need?

By attorney Linton:

I think we will need at least thirty days.

By the Commission:

Thirty days time is allowed this applicant for the introduction of other testimony or any proper evidence in support of this claim.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June, 1902.

Subscribed and sworn to before me this 14 day of June 1902.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 4, 1902.

5766

In the matter of the application for identification as a
Mississippi Choctaw of Margaret Jane Roy.

Wm E. Linton, attorney for applicant.

Margaret Jane Roy being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Margaret Jane Roy.
Q What is your age? A Fifty-nine in March last.
Q What is your post office address? A Fort Smith, Arkansas. We
live right there on the line.
Q How long have you lived at Fort Smith? A Been living there
ten years I believe.
Q Where did you live before you lived there? A Up on Poteau.
Q In what state or Territory? A That is in the Choctaw Nation.
Q In Indian Territory? A Yes, sir.
Qx Where were you born? A I was told that I was born in Missis-
sippi.
Q Where in Mississippi? A Of course you know I was small, I
could not tell exactly where all we went but after my father
died I was told mother went to her people in Virginia.
Q You stayed in Virginia until you went where? A Until we came
to this Country.
Q You mean the Territory? A No, sir; we first came to Missouri
and then we married and then we came to the Choctaw Nation.
Q You have been living in Arkansas for about ten years? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A George Washington Look.
Q What was your mother's name? A Becky Ann Gordon.
Q That was her maiden name? A Yes; before she was married
to my father.
Q Through which parent do you claim Choctaw blood? A Through
my father's side.
Q How much Choctaw blood do you claim? A My father was a half
Choctaw.
Q You would be one-half of that? A Yes; I guess I would.
Q How much; one-quarter? A Yes, sir.
Qo You claim that? A Yes, sir.
Q Has your father ever been recognized as a Choctaw Indian or
enrolled as one by the Choctaw tribal authority or the United
States authorities in Indian Territory? A Well now I can't
tell you because I was very small when my father died.
Q Where were you living when your father died? A I can't tell
you but I suppose we lived in Mississippi.
Q Then he could not have been enrolled as a Choctaw Indian in the
Indian Territory? A No; of course not.

#2

- Q Can you tell when and where your father and mother were married?
A No, sir; I could not.
- Q You have not got that proof with you? A No, sir.
- Q Do you think you could introduce that evidence if given a little time? A I don't know my mother is dead and my father is dead and I would not know how I possibly could.
- Q You have no idea where they were married? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A L. F. Roy.
- Q He is a white man and living? A Yes, sir.
- Q You make no claim for him? A Well I don't know whether I can or not.
- Q There is no law to authorize the Commission to identify anybody who has no Choctaw Indian blood? A Well I won't apply for him.
- Q The only authority that is vested in the Commission is a part of the twenty-first section of the "Curtis Bill" which says the Commission may identify persons who are descended from Mississippi Choctaw Indians and people who have a right to claim under article fourteen of the treaty of 1830; you don't make any claim for him as a white man? A No, sir; I would if I could but I don't know whether I could or not.
- Q There is no authority under which the Commission can do so; of course if you insist on making application I will put it in; you can do just as you wish about it. Have you any children under twenty-one years of age and unmarried that you want to make application for? A No, sir; my children is all of age.
- Q You have some children that are of age; will you name them; give their present names and where they live? A William Roy.
- Q Where does he live? A In Fort Smith.
- Q Next? A Levy Pinckney Roy.
- Q Where does he live? A In the Nation.
- Q Is he married? A Yes, sir.
- Q Where does he live? A At McAlester.
- Q Next? A Thomas Edward Roy.
- Q Where does he live? A His post office is Fort Smith. He lives out in the Country in Arkansas.
- Q Next? A John James Roy.
- Q Where does he live? A In Fort Smith.
- Q Next? A Mary Jane Barnes.
- Q What is her husband's name? A Dan Barnes.
- Q Where does she live? A They live most of the time at McAlester.
- Q South McAlester Indian Territory? A Yes, sir.
- Q What is the name of the next child? A Hattie Rebecca Coleman.
- Q What is her husband's name? A Jesse A. Coleman.
- Q What is the name of the next child? A That is all.
- Q These are all your children? A Yes, sir.
- Q Now have you any children who have died and who have children now living? A Yes; my eldest daughter.
- Q What was her name? A Martha Ellen Clark.
- Q Her husband's name was what? A Morgan J. Clark.
- Q Your daughter is dead? A Yes, sir.
- Q Is her husband dead? A No, sir.
- Q What are the names of your grandchildren by this mother? A The oldest is Emma, Charles, Georgie-
- Q Is that a boy? A Yes, sir.
- Q Next? A Ruthie.
- Q Where do these children live? A Well some of them is living in the country and there is one of them living in town; Fort Smith is their post office; except one.
- Q You just make this claim for yourself? A Yes, sir.
- Q Are any of your grandchildren married? A One.
- Q Which one is that? A Emma, the girl.

- Q Whom did she marry? A Lit Davis.
- Q Where do they live? A Their post office is Fort Smith.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever before this time made any application for enrollment as a Choctaw citizen to any authority, either the United States authority or the Choctaw tribal authority? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Well I guess it is.
- Q Do you understand that article of that treaty? A Well I reckon I do.
- Q Do you want it explained to you further; I will explain it to you if you like? A I don't know any use for it.
- Q You understand it well enough? A I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It is some times called the treaty of Dancing Rabbit Creek for that reason. It was made on the 27 th day of September 1830 and ratified on the 24th day of February 1831. The reason why that treaty was made was because the government desired to remove the Choctaw Indians as a Nation from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory, therefore, in order to protect the interests of those Indians who wanted to stay back there in the old Choctaw Nation, article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen; it was put into that treaty for the especial benefit of Mississippi Choctaw Indians? A That is the way I understood it.
- Q You understand that now do you? A Yes, sir.

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- Q Do you know whether any of your ancestors complied or attempted in any way to comply with the provisions of article fourteen of the treaty of 1830? A I don't know but I don't think that any of them did but I am not able to say because I don't know.
- Q Can you give me the name of any of your Choctaw ancestors that lived in Mississippi in 1830 and who were the head of a family there at that time? A I was too small then to remember anything at that time.
- Q Well you were not living then? A No.
- Q That was seventy-two years ago? A Yes, sir.
- Q Well have you heard some member of your family say who your grandfather or great grandfather or grandmother or great grandmother was who lived in Mississippi in 1830? A I can't tell whether these people lived there or not but I was told that I was born there.
- Q Who do you claim your Choctaw blood from now? A From my father.
- Q Go back as far as you can? A My grandfather was a white man and my grandmother on my father's side, I was told, was a Choctaw.
- Q What was her name? A I was told it was LeFlore; the name Hannie always ran back in the grandparents and it seems that it was Hannie LeFlore.

By attorney.

- Qc You mean Hannah? A Yes, sir.

By the Commission,

- Q She had how much Choctaw blood? A I was told she was a full blood Choctaw.
- Q Whom did she marry? A George Washington Lock--John Lock.
- Q He was a white man? A Yes, sir.
- Q How did Hannah LeFlore live with her husband John Lock in Mississippi in the year 1830? A I can't say that.
- Q Did she live in the state of Mississippi in the old Choctaw Nation? A From what I have been told they must have lived there until they was grown and then I suppose they scattered about like other people did.
- Q How old would your father George W. Lock be if he were living now? A I could not say; I was very small when he died; I was the third child.
- Q Have you any idea? A I suppose he was about twenty-five or may be thirty when I was born.
- Q Twenty-five and fifty-nine is eighty-four? A Yes, sir.
- Q You think he would be about eighty-four if he were living now? A Yes, sir.
- Q Where was he born? A I suppose in Mississippi but I don't know.
- Q Did you ever hear that he was? A I heard that talk; that he was a Mississippian.
- Q Have you ever heard in the family that he was born in Mississippi? A Yes; I heard that.
- Q Who told you that he was? A I heard mother talk of it and my father's brothers.
- Q John Lock was his father? A Yes, sir.
- Q And Anna LeFlore was his mother? A Yes, sir.
- Q He would be eighty-five if living now and was born in Mississippi, then eighty-five years ago, which would be a few years before the treaty was made he was living in Mississippi and his father and mother were living there too? A Yes, sir.
- Q Now do you think they continued to live there until the treaty

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was made, he and his father and mother? A Well I have an idea they did but I don't know but I suppose they did.

Q But you really don't know? A No, sir.

Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that ever I heard of.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A Well now, I can't tell you that either.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I kind of think they did but I am not positive of it, I think some of my uncles.

Q But none of your ancestors? A No, sir.

Q Now what uncles went from that Mississippi Choctaw Country to the Indian Territory? A I don't remember only two.

Q Give me their names? A That was Dick Lock, and I can't think the others name it was a kind of a hard name.

By attorney.

Q Would you know it if you heard it? A Yes, sir.

Q Was it Buoy Lock? A Yes; and Richard Lock.

By the Commission.

In accordance with the provisions of article fourteen of the treaty of 1830 all those Choctaws who desired to remain in the old Choctaw nation and take advantage of the provisions of this article of the treaty had to go to the United States Indian Agent Colonel Ward, in the state of Mississippi, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. As the result of this neglect on his part to make a proper registration of those who came before him under article fourteen of the treaty of 1830 a good many Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama and who had land there lost both their land and the improvements upon it. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The first Commission was appointed under an act of Congress approved March 3, 1837 and the second Commission was appointed under an act of Congress approved August 23, 1842.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A Thirty-seven.

Q 1837? A I am not able to say that.

Q Did you ever hear that any of your Choctaw ancestors received

any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir; I don't remember of ever hearing anything about that in the family.

Q This scrip or these certificates were issued under an act of Congress approved August 23, 1842, and were given only to those Choctaw Indians who not only proved their claims under article fourteen of the treaty of 1830 but also proved that they once held land in the old Choctaw Nation which the government had taken from them and sold. Have you had any relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor? A I can't say that.

Q None that you know of? A No, sir; none that I know of.

Q Do you speak the Choctaw language? A No, sir.

Q Have you any documentary or any other evidence you want to present now in support of your claim? A I have three witnesses.

Examination by attorney.

Q When did you first recollect of having lived in the Choctaw Nation; how long ago was that? A About eighteen, between eighteen, nineteen and twenty years ago.

Q What part of the Choctaw Nation did you live in? A We lived about I guess about ten miles from Poteau River close to Fort Smith.

Q What was your post office? A Fort Smith.

Q How long did you live in the Choctaw Nation? A Well when we first came to this country we moved up into the nation and stayed there one winter and along up until summer, then we went back there and run a kind of a restaurant and boarding house.

Q You have been farming in the Choctaw Nation almost continuously from that time? A Yes, sir.

Q How many children were there in your grandfather's family? A A My father's family.

Q No your grandfather's family? A No, I can't tell you that.

Q You say that you were the third child in your father's family? A Yes, sir.

Q You was the last one? A I thought you said how many children there was in my grandfather's family?

Q Yes; I can how many brothers and sisters did your father have? A There was fourteen of the children.

Q Altogether including your father? A Yes; including my father.

Q How many boys and how many girls if you know? A Twelve boys and two girls.

Q You are not personally acquainted with all of them I presume? A No, sir.

Q What you have said about your family is more from what you have been told than anything else? A Yes, sir.

Q You have seen some of them? A Yes; I was with two of my uncles a good deal.

Q The two you mentioned to Mr. Sawyer a while ago? A Yes, sir.

Q How did they come to tell you about there being fourteen children in the family; what circumstance was it that caused you to remember that? A Why there were fourteen children and my grandmother made them all a little coverlet and put their names and ages on it. My father had one and my mother took good care of it, I had it after we were married.

Q These two sisters do you know which one of them was the older? A No, sir; they was twins.

Q What were their names? A Martha and Mary.

Q You say that they had twin brothers? A Yes, there were two boys and two girls all of one birth.

- Q Did they live as you have been told to reach manhood and womanhood? A Yes; I was talking and seen one of my uncles, I seen two of my uncles that was men.
- Q You knew what became of these two boys that was born at the same time with these girls? A I was told they went to California and one died on the ocean and the other came back home.
- Q Where did you last see Busy Lock, where did he live? A The last time I seen him I guess I was about seven years old; that was in Virginia.
- Q Do you know where he moved to? A No, sir; after my mother married a second time we left that Country.
- Q You must have the name of Busy Lock mixed up. You told Mr. Sawyer a while ago that Busy and Dick moved to the Choctaw Nation? A That is what I heard.
- Q Have you seen him since he came to the Choctaw Nation? A No, sir; I have not seen any of them since I was about seven years old.

By the commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; gray hair;

- Q What was the color of your hair formerly? A Just as black as it could be.

formerly black;

- Q Do you understand the Choctaw language or speak it? A No, sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 14 day of June 1902.

Charles W. Sawyer

Notary Public.

copy.

W.A.L.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Jane Roy,
et al., for identification as Mississippi Choctaws, consolidating
the applications of -

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

D E C I S I O N .

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Margaret Jane Roy for herself; by Morgan J. Clark for his two
minor children, George Washington and Ruth Clark; by William Wash-
ington Roy for himself and his two minor children, John T. and
William Albert Roy; by Levi Pinckney Roy for himself; by Thomas
Roy for himself and his two minor children, Eddie and Pearlle Roy;
by John James Roy for himself and his three minor children, Bessie
Viola, Emma Lucille and Kenneth Brookshire Roy; by Mary Barnes
for herself and her four minor children, Willie M. and Walter D.
Tibado, and Ethel M. and Nettie O. Barnes; and by Hannah Rebecca

Ann Coleman for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Hannah (or Hannie or Anna) Leek (nee Leflore), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Hannah (or Hannie or Anna) Leek (nee Leflore), or ancestors less remote, signified (in person or

by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513):

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pindney Roy, Thomas Roy, Eddie Roy, Pearlis Roy, John James Roy, Bessie Viola Roy, Hona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie B. Tibado, Walter D. Tibado, Ethel M. Barnes, Netto G. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Dixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Washington, Indian Territory.

COPY.

M.C.R. 5766

Muskogee, Indian Territory, January 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Nona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter B. Tibado, Ethel M. Barnes, Metto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for

-2-

their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.

Acting Chairman.

COPY.

M.C.R. 5766

Muskogee, Indian Territory, January 14, 1903.

William E. Linton,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Wona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Metto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dwyer

Acting Chairman.

Registered.

COPY.

M.C.R. 5766

Muskogee, Indian Territory, January 14, 1903.

Margaret J. Roy,

Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws;

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy,

-2-

Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Nena Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Mette O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamr Dixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Margaret Jane Roy, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 14, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Margaret Jane Roy	M.C.R. 5766
George Washington Clerk, et al.	M.C.R. 5891
William Washington Roy, et al.	M.C.R. 5836
Levi Pinckney Roy	M.C.R. 5767
Thomas Roy, et al.	M.C.R. 5837
John James Roy, et al.	M.C.R. 5838
Mary Barnes, et al.	M.C.R. 5890
Hannah Rebecca Ann Coleman	M.C.R. 5768

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNET

Jame Dixby.
Acting Chairman.

Enc. M.C.R. 5766
Through the

Commissioner of Indian Affairs.

(COPY)

Land
7963-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on January 14, 1903.

Margaret Jane Roy; Morgan J. Clark for his two children George Washington and Ruth Clark; William Washington, for himself and his two minor children, John T. and William Albert Roy; Levi Pinchney Roy; Thomas Roy, for himself and his children, Eddie and Pearlle Roy; John James Roy, for himself and his three children, Bessie, Viola, Rena Lucille and Kenneth Brookshire Roy; Mary Barnes, for herself and her four children, Willie S., Walter D. Tibado, and Ethel M. and Mette O. Barnes; and Hannah Rebecca Ann Coleman.

An examination of the evidence in this case shows that the applicants claim identification as Mississippi Choctaws by reason of their descent from Hannah (Leflore) Locke, and George Washington Locke, who, it is alleged, were citizens of the Choctaw Nation, and resided in Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants is based on the ground that the names of Hannah (or Hannie or Anna) Lock (nee Leflore), or ancestors less remote, is not found in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made with the Choctaw Indians in 1830.

An examination of the records of this office shows that none of the Leflores were beneficiaries under the 14th article of the Choctaw treaty of 1830; and also that the names of Hannah (Leflore) Locke and George Washington Locke, are not found among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

Muskegee, Indian Territory, March 3, 1903.

H. L. Coleman,

Craig, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask to be advised if Margaret Jane Roy and her children, William W., John J. and Thomas E. Roy, Mollie J. Barnes and Hannah R. A. Coleman, "have been enrolled as Mississippi Choctaws by blood." You state that you have sold and put them in possession of about eight hundred acres of land and that they will receive the rents of the land this year.

In reply to your letter you are informed that it appears from the records of the Commission that the persons above named made application to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission, on January 14, 1903, rendered its decision refusing their applications and on the same date they were notified of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claims to be transmitted to the Secretary of the Interior.

The fifteen days heretofore granted in these cases expired on January 29, 1903. On January 30, 1903, the record in

H L C 2

their cases, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

It is not believed that any of the persons above named are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

J. W. H.

D C 6989-1903.

DEPARTMENT OF THE INTERIOR.

I.T.D.2178-1903.

Washington.

WHR.

L. R. S.

March 10, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 30, 1903, you transmitted the record in the case of Margaret Jane Roy (M.C.R.5766), George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Mena Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Mette O. Barnes and Hannah Rebecca Ann Coleman, applicants before you for identification as Mississippi Choctaws, including your decision of January 14, 1903, refusing to identify them as such.

The principal applicant, Margaret Jane Roy, traces her descent through her father, George Washington Leek, who was born in 1818, to her grandmother, Mrs. John Leek, formerly Hannah LeFlore, who was a full blood Choctaw. The other applicants are the children and grandchildren of Margaret Jane Roy.

You refused to identify the applicants as Mississippi Choctaws on the grounds that the records in your possession fail to show that any of their alleged ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter under date of February 21, 1903, the Acting Commissioner of Indian Affairs stated:

An examination of the records of this office shows that none of the Leflores were beneficiaries under the 14th article of the Choctaw treaty of 1830; and also that the names of Hannah (Leflore) Locke and George Washington Locke, are not found among the names of these persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

The Department is therefore of the opinion, in view to the testimony now before it, that these applicants have failed to establish their claims; and your decision is accordingly hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, March 20, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by mail on the 14th day of January, 1903.

Respectfully,

Tame Dixby
Chairman.

COPY.

Muskogee, Indian Territory, March 20, 1903.

Wm. E. Linton,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

RECORDED

Tams Bixby.
Chairman.

M.C.R. 5766

Muskogee, Indian Territory, March 20, 1903.

Margaret J. Roy,

Port Smith, Arkansas.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

(SIGNED).

Fame Bixby
Chairman.

M C R 5766

Muskogee, Indian Territory, October 22, 1903.

William W. Roy,
#123 North 2nd Street,
Ft. Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting a "copy of the case" of Margaret J. Roy.

In reply you are informed that it appears from our records that on March 10, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application of Margaret J. Roy for identification as a Mississippi Choctaw. The Commission now considers this case closed.

Before we can furnish you with a copy of the testimony in this case it will be necessary that you forward to this office a written order from Margaret J. Roy authorizing you to obtain such papers.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 31, 1903.

William W. Roy,
#123 North 2nd Street,
Pt. Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant; also order from M. J. Roy requesting that the Commission give you a copy of the testimony in her case.

In reply you are informed that there is enclosed you herewith one copy of the testimony of Margaret Jane Roy given before the Commission at Muskogee, Indian Territory, June 4, 1902, the date on which she made application for identification as a Mississippi Choctaw; also one copy of the testimony given by George W. Van, Anderson Tatum, and Benjamin Summit, witnesses, in support of the consolidated Mississippi Choctaw case of Margaret Jane Roy, et al.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

Margaret J. Roy,

Fort Smith, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 28, 1904, by reference from the Secretary of the Interior. You enclose in your letter a copy of the testimony given in support of the consolidated Mississippi Choctaw case of Margaret Jane Roy, et al., and ask that same be reconsidered in support of your claim. In reply to your letter you are informed that on March 10, 1903, the Secretary of the Interior approved the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margaret J. Roy, et al., of which Departmental action you were duly notified on March 20, 1903.

The Commission now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

The papers enclosed in your letter are herewith returned you.
respectfully,

JYM-16.

Commissioner in Charge.

M C R 5766

Muskogee, Indian Territory, July 31, 1906.

J. A. Coleman,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your communication of the 24th instant, enclosing a letter from Edward M. Dawson, Chief Clerk to the Secretary of the Interior, advising you that your letter of March 28, 1904, had been referred to the Commission to the Five Civilized Tribes for consideration and action. You state that you are in possession of some important evidence in support of the Mississippi Choctaw application of Margaret Roy and ask how to proceed to prove her rights.

In reply you are informed that on March 10, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 14, 1903, refusing to identify Margaret J. Roy as a Mississippi Choctaw. The case is considered closed and this office has no authority to receive or consider any further evidence in support thereof.

The letter enclosed by you is herewith returned.

Respectfully,

McM 3/3

Commissioner.

Hannah Leflore (fb)
mar
John Lock
(white)

George W. Lock (84?) $\frac{1}{2}$
dead
(or George Washington Locke)
wife
Becky Ann Lock
(dead)
(nee Rebecca Gordon)

mcr
5766
Margaret J. Lock 59- $\frac{1}{4}$
mar
William F. Roy
(white)
(or William Fountain)

mcr
5891 (or Allen)
Martha E. Roy $\frac{1}{8}$
(dead)
mar
Morgan J. Clark 41
-white-

mcr
5891
George W. Clark 17
" Ruth " 7
Emma P. Clark
mar
Lit Davis
Charles A. Clark

mcr
5836
William W. Roy 42- $\frac{1}{8}$
mar
Belinda Seburn
white
John T. Roy 11
William Albert Roy 9

mcr
5767
Levi Pinckney Roy 38- $\frac{1}{8}$
mar
Stella Turner
white

mcr
5837
Thomas Roy 35- $\frac{1}{8}$
wife
Mattie Roy
white
Eddie Roy 10
Pearlie Roy 1

cont'd

(2)

mer
5838

John James Roy 32- $\frac{1}{8}$

wife

Hattie Roy
(white)

mer
5838

Bessie Viola Roy 6

"Nona Lucille " 4

"Kenneth Brookshire Roy 1

Hannah L. Ford (fl) George W. Lock (fl) ^{dead} Margaret J. Lock 59- $\frac{1}{4}$

mer
5890

Mary Roy 28- $\frac{1}{8}$

mar

① Stephen Tibaldo
(dead) (white)

② D. H. Barnes
(white)

mer
5890

Willie S. Tibaldo 11

"Walter D. Tibaldo 7

"Ethel M. Barnes 4

"Metto O. Barnes 2

mer
5768

Hannah Rebecca Ann Roy 25- $\frac{1}{8}$

mar

J. A. Coleman
(white)

No. 5766

For Identification as a Mississippi Choctaw.

Date Dec 1 1892

Name Margaret J. Roy.

Age 59 Blood 1/4 —

Post-Office. Fort Smith, Ark.

Father: Geo. W. Lock. — d

Mother: Becky Ann " d

Claims through father —
husband

Wm F. Roy — w. l.

No claim for husband —

~~CLAIMS:~~

Claims for self
done.

Stenographer G. Roosenwinckel

Choctaw MCR 5767

Levi P. Roy

See MCR 5766

MCR 5767

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 4, 1902.

5767

In the matter of the application for identification as a
Mississippi Choctaw of Levi Pinckney Roy.

William B. Linton, attorney for applicant?

Levi Pinckney Roy being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Levi Pinckney Roy.
Q What is your age? A Thirty-eight, the 22nd of March last.
Q What is your post office address? A South McAlester.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A About eight years.
Q Where did you live before that? A Down in, --close to Skullyville, Choctaw Nation.
Q How long have you lived in Indian Territory altogether? A Eighteen years.
Q Where were you born? A Rella, Missouri.
Q Where did you live before you came to the Indian Territory? A In Springfield, Missouri, and Galena, Kansas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William Y. Roy.
Q What is your mother's name? A M. J. Roy.
Q What does the M. stand for? A Margaret Jane.
Q Through which parent do you claim Choctaw blood? A On my mother's side.
Q How much Choctaw blood do you claim? A Why I don't know just what I would be; my mother is one-quarter.
Q You claim one-half of that would you not? A Yes; one-eighth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Stella Turner, is her maiden name.
Q Is she a white woman and living? A Yes, sir.
Q You make no claim for her as a Choctaw? A No, sir.
Q Have you any children you want to make application for? A No, sir.
Q Claim for your self alone? A That is all.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 19, 1896? A No, sir.

#2

- Q This is the first application of any kind that you have ever made for citizenship in the Choctaw Nation either to the Choctaw tribal authorities, or the United States authority? A Yes, sir.
- Q You have never been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A Yes, sir.
- Q You want it explained to you further? A No, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you Mr. Roy? A Yes, sir.
- Q Is Margaret J. Roy a relative of yours? A Yes, sir.
- Q What relation is she? A That is my mother?
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Locks was my mother's father's name.
- Q What was his wife's name? A LeFlore.
- Q What was her first name? A I don't know.
- Q Who was that? A Great grandmother on my mother's side.
- Q How much Choctaw blood did she have? A She was a full blood I suppose.
- Q What was Lock a white man or Indian? A White man.
- Q You don't know this great grandmother LeFlore's full name? A No, sir.
- Q Know the full name of the man she married? A No, sir.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Do you know whether he ever lived in the old Choctaw Nation in Mississippi or Alabama? A I have been taught he lived in Mississippi.
- Q In the old Choctaw Nation? A Yes, sir.
- Q Do you know whether he lived there in 1830? A No, sir.
- Q You don't know whether your great grandmother LeFlore was the head of a family in 1830 or not? A No, sir.
- Q Have you any idea how old she would be if living now? A No, sir; I don't know.
- Q Do you know where she was born and when? A No, sir.
- Q You know when and where she died? A No, sir.
- Q You claim through your mother; she claims through whom her father or mother? A Her mother.

#3

- Q What was her mother's name? A Her name was Gordon; she claims her Chectaw blood on her father's side.
- Q You mean your mother claims through her father George W. Lock?
- A Yes, sir.
- Q Did he ever live in Mississippi or Alabama? A Lived in Mississippi I understand.
- Q Told so by members of your family? A Yes, sir.
- Q How old would he be if living now? A I don't know.
- Q He claimed his Chectaw blood through which parent father or mother? A On his mother's side.
- Q What was her name? A LeFlora.
- Q Married whom? A Lock.
- Q Did any of your Chectaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Chectaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens? A I don't know.
- Q Did any of your Chectaw ancestors go from that old Chectaw Nation to the Chectaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Chectaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A I don't know sir.

In 1837, by act approved March 3rd of that year and also in 1842, by act approved August 23rd of that year two different Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed by Congress was because a great many Indians who claimed rights under article fourteen of the treaty of 1830 and who had attempted to register before Colonel Ward the United States Indian Agent within six months from the ratification of the treaty were refused their rights of registration by Colonel Ward the United States Indian Agent. This refusal on the part of Ward caused a good many Indians who had land in Mississippi and Alabama upon which they had improvements to lose both; but were taken from them by the government and sold at its public land sales. This caused so many complaints that these Commissions were appointed.

- Q Do you know whether any of your Chectaw ancestors appeared before either of these two Commissions and claimed benefits as Chectaw Indians under article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Did any of your Chectaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued to Indians who proved their rights to benefits under article fourteen of the treaty of 1830 and also proved that they had formerly had land in the old Chectaw Nation which the government had taken from them and sold. This scrip was issued under an act of Congress of August 23, 1842.

- Q You say Margaret J. Roy is your mother? A Yes, sir.
- Q She has made application on this date? A Yes, sir.
- Q You want to have her case considered with yours so that her testimony and yours may be considered together in this application? A Why I don't know anything about it.

Attorney: Yes, sir.

#4

- Q In other words to consolidate your case under the head and name of your mother's application? A Yes, sir.

The case of Margaret J. Roy, M.C.R. 5766 is here referred to for the purpose of consolidation.

- Q Do you speak the Cheetaw language? A No, sir.
Q Have you any other evidence you want to introduce now? A Yes, sir.
Q You have a witness here you want to call? A No, sir.

Examination by attorney.

- Q Do you personally know your mother's brothers and sisters? A No, sir.

Examination by the Commission

- Q Your eyes are blue? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has light brown hair; light sandy colored mustache; blue eyes; dark complexion. He does not understand the Cheetaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and foregoing proceedings and that the above and foregoing is a true and correct transcript of his stenographic notes in said cause on June 4, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 4th day of June 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5767

Muskogee, Indian Territory, January 14, 1903.

Levi P. Roy,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Hona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Mette O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James L. Gandy

Acting Chairman.

Registered.

COPY:

Muskogee, Indian Territory, March 20, 1903.

Levi P. Roy,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

(SIGNED)

Tarns Bixby.

Chairman.

No. 5767

For Identification as a Mississippi Choctaw.

Date

JUN 1 1902

Name Levi P. Roy

Age 38

Blood

1/8

Post-Office, So. McAlester, I. T.

Father: William F. Roy l.

Mother: Margaret J. " l.

Claims through mother
wife, Stella Roy, w. l.
No claim for wife -

Children:

Claims for self
alone

Stenographer E. Ramminger

Choctaw MCR 5768

Hannah R. A. Coleman

See MCR 5766

MCR 5768

Department of the Interior
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 4, 1902.

8768

In the matter of the application for identification as a
Mississippi Choctaw of Hannah Rebecca Ann Coleman.

William H. Linton attorney for applicant.

Hannah Rebecca Ann Coleman being first duly sworn testified
as follows:

Examination by the Commission

- Q What is your name? A Hannah Rebecca Ann Coleman.
Q What is your age? A Twenty-five.
Q What is your post office address? A Fort Smith,
Arkansas? A Yes, sir.
Q How long have you lived there? A I don't know just how long;
about sixteen years.
Q Where did you live before that? A Marshall.
Q What state or Territory? A In Missouri.
Q Where were you born? A In Joplin.
Q Missouri? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q What is your father's name? A William Fountain Ray.
Q What is your mother's name? A Margaret J. Roy.
Q How much Choctaw blood do you claim? A My mother claims one-
quarter and I guess I would be one-eighth..
Q Has your mother ever been recognized as a Choctaw Indian or enrol-
led as one by the Choctaw tribal authorities or the United States
authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your husband's name? A J. A. Coleman.
Q Living and white? A Yes, sir.
Q You make no claim for him as a Choctaw Indian? A Well that is
what we always have been taught, that we were Chetaws.
Q No, but your husband; do you make any claim for him? A No, sir.
Q Have you any children? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir; not that I know of.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever been admitted to citizenship, in the Choctaw Nation
by the Dawes Commission under the act of Congress of June 10,
1896; you did not appear before the Commission in 1896? A No,
sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to any authority whatever up to the present time? A No,
sir.
Q You never have been admitted to citizenship in the Choctaw
Nation by any authority whatever? A No, sir.

- Q You now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the treaty was to secure the removal, as far as practicable, of all the Choctaw Indians who lived in that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of these Indians who wanted to stay in the old Choctaw Nation article fourteen was put into the treaty. It was then signed and afterwards ratified. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article of that treaty? A No, sir.
- Q Who do you claim your right to be identified through? A My mother.
- Q Can you go back farther than your mother? A No, sir; I cannot.
- Q Did you ever hear of a person named LeFlore? A Yes; I heard of them but I was not acquainted with them.
- Q Did you ever hear of a person named Look? A Yes, sir.
- Q What relation was this Look to you if any? A My mother was a Look.
- Q Do you know of a man named Look who married a woman named LeFlore? A No, sir.
- Q You claim through your mother? A Yes, sir.
- Q Do you know whether she claims through her father or mother? A Her father.
- Q What was his name? A Will Washington, I believe I am not quite sure.
- Q How much Choctaw blood did he have? A I don't know.
- Q You don't know anything about your ancestors do you? A No, sir.
- Q Don't know the names of any of them beyond your mother? A No, sir.
- Q How much Choctaw blood has your mother? A One-quarter.
- Q You claim one-eighth? A Yes, sir.
- Q Do you know of any Choctaw ancestor of yours who lived in the old Choctaw Nation in Mississippi or Alabama and lived there in 1830 and was the head of a family there then? A No, sir.

#3

- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States; do you know? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1835 and 1838 or forty? I don't know.
- Q Did any of them own or claim any improvements on land in the old Choctaw Nation in Mississippi or Alabama in the year 1830? A I don't know.

The Indians who remained back in the old Choctaw Nation refusing to go to the Choctaw Nation Indian Territory with the other Indians were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward neglected or refused to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Indians who proved their rights under article fourteen and also proved that they had land in the old Choctaw Nation which the government had taken from them and sold.

- Q What relation is Margaret J. Roy to you? A My mother.
- Q What relation is Levi P. Roy to you? A My brother.
- Q Do you want to have these cases consolidated under the case of Margaret J. Roy M.C.R. 5766, all considered together I mean? A Yes, sir.

The case of Margaret J. Roy, M.C.R. 5766 is here referred to for the purpose of the consolidation of this case.

- Q Do you speak the Choctaw language? A No, sir.

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- Q Have you any evidence or other witnesses you want to introduce now before the Commission? A No, sir.

- Q Have you no witnesses you want to call?

Attorney: Yes; we have some witnesses.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark eyes, -- black eyes; dark brown hair, very dark, nearly black; her complexion is somewhat dark. She has no knowledge of the Cheetaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 14 day of June 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5768

Muskogee, Indian Territory, January 14, 1903.

Hannah R.A. Coleman,

Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinokney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Nona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter B. Tibado, Ethel M. Barnes, Metto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, March 20, 1903.

Hannah B. A. Coleman,
Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Tamie Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date JUN 4 1902

Name Hannah R. A. Coleman

Age 25 Blood 1/8

Post-Office, Fort Smith, Ark.

Father: Wm F. Roy l.

Mother: Margaret J. Roy, l.

Claims through mother —
 husband
 J. A. Coleman, l. w.
 No claim for
 husband —

Children:

Claims for self
 alone

Stenographer T. L. Cunningham

Choctaw MCR 5769

Mary E. Brown

See MCR 5693

MCR 5769

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 5, 1902.

5769

In the matter of the application for identification as Mississippi Choctaws of Mary E. Brown, for herself and her two minor children, Birty E., and Ola Isabell Brown.

Applicants not represented by attorney.

Mary E. Brown being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Brown.
Q What is your age? A Twenty-one.
Q What is your post office address? A Maud.
Q Indian Territory? A Oklahoma.
Q How long have you lived at Maud? A Right at Maud for nine years.
Q Where did you live before that? A In Arkansas.
Q Were you born in Arkansas? A Yes, sir.
Q What place in Arkansas? A Sebastian County.
Q Went from there to Oklahoma? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is the name of your father? A Charles A. Smallwood.
Q You claim your Choctaw blood through your father do you not?
A Yes, sir.
Q What is your mother's name? A Isabell Smallwood.
Q Your father has been before the Commission recently to be identified as a Mississippi Choctaw? A Yes, sir.
Q How much Choctaw blood do you claim? A One-sixteenth part.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authority or the United States authority in the Indian Territory? A I don't know.
Q Has he lived in the Indian Territory? A Yes, sir.
Q When? A He lived there a while along about ten or twelve years ago.
Q Well he made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q That would indicate that he was not enrolled as a Choctaw Indian? A Yes, sir.
Q From that fact you know that he has never been enrolled as an Indian? A No, sir; he has not.
Q Are you married? A Yes, sir.
Q What is your husband's name? A George Henry Brown.
Q Is he living? A Yes, sir.
Q He is a white man? A Yes, sir.
Q You don't claim any Choctaw blood for him? A No, sir.
Q Do you know when and where your father and mother were married? A No, sir; I don't know where they were married. -- they were married in Arkansas.
Q You don't remember the exact date? A No, sir.
Q What is the name of your eldest child that you want to apply for? A Birty E. Brown.

- Q That is a girl? A Yes, sir.
 Q How old is Birty? A Three years old.
 Q What is the name of the next child? A She will be two years old.
 Q What is her name? A Ola Isabell Brown.
 Q She is about two? A She will be two in October.
 Q One and a half? A Yes, sir.
 Q You claim for yourself and these two children? A Yes, sir.
 Q Is George H. Brown the father of these children? A Yes, sir.
 Q Are you and he living together and husband and wife and are the children living with you? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to any authority previous to this application which you make now? A No, sir.
 Q This is the first time you ever applied to any authority for citizenship in the Choctaw nation? A Yes, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippian Choctaws? A Yes, sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article? A No, sir.

In 1830, on the 27th day of September of that year, a treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi. The object of that treaty was to secure as far as practicable the removal of all the Choctaw Indians from the country then occupied by them, the old Choctaw Nation, to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians and in order to protect the interests of those people who stayed back there in the old Choctaw Nation article fourteen was drawn up and put into the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the

privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now so that you can claim under it? A I don't know whether I understand it right.
- Q Don't you think you understand the meaning enough so that you can claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles Smallwood.
- Q That is your father; can you go back further who lived in Mississippi in, 1830? A Charles Smallwood, my great grandfather.
- Q Was there a Charles Smallwood who was your great grandfather? A Yes, sir.
- Q How much Choctaw blood did he have? A Half.
- Q Did he live in Mississippi at any time? A Yes; I think so.
- Q Did he live in the old Choctaw Nation in Mississippi, that is where the Indians lived, or were supposed to have lived, in the old Choctaw Nation which is partly in Mississippi and partly in Alabama; do you know whether he lived there? A No, sir; I do not.
- Q What was the name of Charles Smallwood's wife? A I don't know.
- Q You claim through your father? A Yes, sir.
- Q He claimed through which parent father or mother? A Father.
- Q What was his father's name? A William Smallwood.
- Q Did a William Smallwood ever live in Mississippi? A I don't know.
- Q Did William claim through his father? A Yes, sir.
- Q Was his father this Charles Smallwood your great grandfather? A Yes, sir.
- Q Do you know whether your great grandfather lived in Mississippi in the old Choctaw Nation and was the head of a family there in 1830 that is did he have children there then? A In that year?
- Q In 1830; Yes? A Why I don't know.
- Q You never heard anything about that? A No, sir.
- Q Can you give me the name of any ancestor who did live in the old Choctaw Nation in Mississippi or Alabama in 1830 and who did have a family there then? A No, sir; I don't know of any.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? No, sir; I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. Because he neglected to do this a great many Indians

who had land in the old Choctaw Nation had both their land and improvements taken from them by the government and sold. This caused so many complaints that Congress in 1837, by act approved March 3rd of that year, appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. The complaints continued and some time after that in 1842 Congress appointed another Commission under an act approved August 23rd of that year.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions that of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A No, sir; I don't know.

The act of Congress approved August 25, 1842, provided that scrip should be issued to those Indians who proved that they had complied with article fourteen of the treaty of 1830 and who also proved that they had had land in the old Choctaw Nation which the government had taken from them and sold at its public land sales. This scrip authorized these Indians to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation?

- Q Did any of your Choctaw ancestors receive any such scrip do you know? A No, sir; I don't know.
 Q What relation is Charles A. Smallwood to you? A My father.
 Q He has been before the Commission has he not? A Yes, sir.
 Q Within a few days? A It has been a week.
 Q Have you any other relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes; two brothers,
 Q What are their names? A James A. Smallwood and Huston Smallwood.
 Q Do you want to have the cases of these relatives taken into connection with your own and all considered together under one head of Charles A. Smallwood? A Yes, sir.

The case of Charles A. Smallwood M.C.R. 5693, is here referred to for the purpose of the consolidation of all these cases.

- Q Do you speak or understand the Choctaw language? A No, sir.
 Q Have you any further evidence that you want to present to the Commission at this time; any papers or documents of any kind or any witnesses? A-----
 Q Is there anything further you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes; brown hair; medium fair complexion.

- Q Do you speak or understand the Choctaw language? A No, sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 5, 1902, and that the foregoing is a full and correct transcript of his stenographic notes in said cause on

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said date.

G. Rosenwin Kel

Subscribed and sworn to before me this 14 day of June 1902.

Charles Mesawyer

Notary Public.

COPY

M. C. R. 5769

Waskagee, Indian Territory, July 15, 1902.

Mary E. Brown,

Maud, Oklahoma.

Dear Madam:

You are hereby advised that on the 10th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Charles Alexander Smallwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Charles Alexander Smallwood, et al.,	M. C. R.	5693,
James A. Smallwood,	"	"
Hurston Smallwood, et al.,	M. C. R.	5694,
Mary E. Brown, et al.,	M. C. R.	5768,
	M. C. R.	5769,

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

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"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charles Alexander Smallwood, Edward Smallwood, James A. Smallwood, Huston Smallwood, Charlie Clifton Smallwood, Mary E. Brown, Birtie E. Brown and Ola Isabell Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Dixby

Acting Chairman

Registered.

Washoe, Indian Territory, August 23, 1902.

Mary E. Brown,

Washoe, Oklahoma.

Dear Madam:

You are hereby advised that on the 18th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Cheaters of the several persons included in the consolidated case of Charles Alexander Smallwood, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

Acting Chairman.

No. 5769

For Identification as a Mississippi Choctaw.

Date

Name *Mary E. Brown* -

Age *21* - Blood *1/16* -

Post-Office, *Maud., Okla.,*

Father: *Charles A. Inglewood, l.*

Mother: *Isabell " l.*

Claims through *father -*
husband
George H. Brown, l. w.
No claim for husband.

Children:

Berty E. Brown, F. 3
Ola l. " 1 - 1/2

Claims for self
and 2 children.

Stenographer *L. Roumouire*

Choctaw MCR 5770

Stephen W. Ryan

See MCR 4639

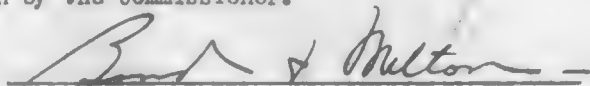
MCR 5770

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In re application of Stephens W. Ryan, as a member of the Chickasaw Tribe
of Indians by intermarriage.

Your applicant by and through his attorneys Bond & Malton, respectfully
represents to the Commissioner, that he was legally and lawfully wedded to
Carrie Cheadle, a member of the Chickasaw Tribe of Indians by blood, at
Tishomingo, Indian Territory, on or about the 15th, day of December 1875,
according the laws usages and customs of said Tribe.

That he made due application to the Commission to the Five Civilized Tribes,
and filed with said Commission his marriage license and certificate, that a few
years thereafter he made application to said Commission for citizenship as
a Mississippi Choctaw, that in making said application this applicant
did not intend to waive any of his rights as an intermarried, but simply made
the later application for the interests of a minor child by a white wife,
and that your applicant now desires that his application as an intermarried
citizen be considered and passed on by the Commissioner.



Attorneys for applicant.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 5, 1902.

5770

In the matter of the application for identification as Mississippi Choctaws of Stephen Walker Ryan for himself and his minor child, Birdie Ryan.

Frank M. Bailey attorney for applicants.

Stephen Walker Ryan being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Stephen Walker Ryan.
Q What is your age? A I am forty-six.
Q What is your post office address? A Ryan, Indian Territory.
Q How long have you lived there? A Since seventy-six.
Q Where were you born? A In Arkansas.
Q At what place in Arkansas? A Near Hot Springs, fifteen miles East.
Q How long did you live in Arkansas? A Father moved to Mississippi the year I was born.
Q How long did you live in Mississippi? A We lived there,--it was sixty-two when we left there.
Q Where did you go to? A To Arkansas.
Q How long did you live in Arkansas that time? A We moved to the Indian Territory in seventy.
Q Have you lived in Indian Territory ever since? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A John Gilford Ryan.
Q What was your mother's name? A Elizabeth Garner.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Can you give me the exact date of the marriage of your father and mother? A Not at present.
Q Were they married by a minister and under a license? A I could not say.
Q You think you could introduce evidence of that marriage later? A Yes, sir.
Q Within a few days? A In the course of two weeks I suppose; may be it would take a month.

To attorney:

Q Do you want any time in this case?

Attorney Bailey:

Yes, I wish to take the depositions of several witnesses.

Thirty days time is allowed this applicant on motion of his Counsel in which to file any proper evidence in support of this application.

- Q Are you married? A Yes, sir.
 Q What is your wife's name? A My present wife her maiden name you mean?
 Q No? A Gallie.
 Q S-a-l-l-i-e? A Yes, sir.
 Q She is living? A Yes, sir.
 Q Is she a white woman or a Choctaw Indian? A She is a white woman.
 Q You make no claim for her? A No, sir.
 Q Is she your second wife? A Yes, sir.
 Q Have you any children by this second wife that you desire to make application for? A One.
 Q Have you any children by your first wife that you wish to make application for? A No, sir.
 Q What is the name of your child? A Birdie, B-i-r-d-i-e.
 Q Is that a girl? A Yes, sir.
 Q How old is she? A Three years old.
 Q Sallie Ryan the mother of this child? A Yes, sir.
 Q You and your wife and your child living together at your home?
 A Yes, sir.
 Q Can you tell when and where you were married to your wife Sallie?
 A At the capitol, Tishomingo.
 Q At what date? A Ninety-seven.
 Q What day of the month? A The 26th day of August ninety-seven.
 Q By a minister and under a license? A Yes, sir.
 Q Have you that proof with you? A No, sir.
 Q You will introduce that within the time limited? A Yes, sir.

It will be necessary for you to introduce evidence of your marriage to your wife in support of the application for this child.

- Q You claim for yourself and child? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for enrollment as a Choctaw citizen to the Choctaw tribal authorities in Indian Territory?
 A No, sir; I never have.
 Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Yes; by marriage.
 Q You were admitted to citizenship by intermarriage? A In the Chickasaw Nation.
 Q I asked you about the Choctaw? A No, sir; for I have not lived in the Choctaw Nation.
 Q Your first wife was a Chickasaw? A Yes, sir.
 Q Were you admitted by virtue of your marriage to her as a member of the Chickasaw Nation? A Yes, sir.
 Q When did she die? A In ninety-four.
 Q What was her name? A Carrie Owsale, C-h-e-a-d-l-e.
 Qx You never were admitted to citizenship in the Choctaw Nation by any authority or by intermarriage? A No, sir; for I never did apply in any way; never lived in the Choctaw Country.
 Q You don't claim now to be a member of the Chickasaw Nation? A

Only through marriage at present.

Q I know but if you are a member of the Chickasaw Nation you don't want to be a member of the Choctaw Nation? A Well I am a member of the Chickasaw Nation by intermarriage.

Q Well do you consider yourself deprived of the rights in that Nation by marrying a white woman, your present wife Sallis; it affects the status of your case? A No answer.

Q I will ask if your wife was a recognized member of the Chickasaw Nation? A Yes, sir.

Q Did you and she have any children? so will you state their names and ages commencing with the oldest? A It would put me to some little trouble.

Q Well who is Samuel L. Wray? A He is my son in law.

Q Whom did he marry? A Serena Belle, my daughter.

Q Did they have any children? A They have four.

Q Can you give their names; Lester W.? A That is the oldest one.

Q How old is he? A Four years old.

Q How old is your daughter Serena Belle about twenty-three? A

About twenty-three yes, sir.

Q How do you remember another son of your daughter Serena Belle as David Walker? A Yes, sir.

Q How old is he? A The oldest one is about four or did I say three.

Q You said four I think? A No; they only have three living ones.

Q How old is David Walker? A Something over two years.

Q Do you remember another child of theirs named Carrie E.? A Yes; I have got it mixed, four are living.

Q Is Carrie E. living? A Yes, sir.

Q How old is she? A She must be two years old.

Q Is there another child named William Thomas? A Well the youngest one I have not learned the name of it; I think that is it.

Q You think it is William Thomas Wray? A I think it is.

Q Your daughter and her children whose names you have given are listed for enrollment as members of the Chickasaw Nation? A I think they were enrolled as Choctaws but I find that it has been changed.

The records of the Commission show, field number 1286, that this daughter Serena Belle, with her family, were listed for enrollment as members of the Chickasaw Nation.

Q Who is Thomas Walker Ryan? A My son.

Q You have a daughter named Daisy also? A Yes, sir.

Q How old is Thomas Walker Ryan? A Twenty-one.

Q What is his wife's name? A He is not married.

Q He has a sister Ada Pearl? A Yes, sir.

Q How old is Ada Pearl? A She is nineteen.

Q You have a daughter named Bessie Burren Ryan? A Yes, sir.

Q How old is she? A Seventeen.

Q You have a son named Elbert Lowellyn Ryan? A I have a son but I don't spell it that way. E-l-b-e-r-t.

Q Well what is this Lowellyn business? A No, sir; L-u-d-e-i-s is his name.

Q Is that the same person named here? A Yes, sir.

Q How old? A Fourteen.

Q Who is William Campbell? A They have one child.

Q Is Ada Pearl now married? A Yes, sir.

Q When did she marry? A Don Campbell.

Q The name of the husband of Ada Pearl is, field number 418, Choctaw as John E. Campbell and you say it ought to be Don? A Well he goes by the name of both.

Q So far as you know John E. Campbell is right then? A Yes, sir.

The records of the Commission show that Thomas Walker Ryan, Ada Pearl Campbell, Gussie VanBuren Ryan and Elbert Lewilyn Ryan are listed for enrollment as members of the Chickasaw Nation.

- Q W. B. Wray a son in law of yours? A Yes, sir.
 Q He married to one of your daughters? A Yes, sir.
 Q What is her name? A Daisy VanBuren.
 Q How old is she? A Twenty-three years.
 Q She is on the Chickasaw Roll as Daisy Ryan? A Yes, sir.

Reference is here made to field card 501.

- Q Now you make this claim Mr. Ryan do you because of your Choctaw blood, for yourself and your daughter Birdie Ryan whose mother is your second wife Sallie? A Yes, sir.
 Q Without reference to whether or not you are a member of the Choctaw or Chickasaw Nations by intermarriage? A Yes, sir.
 Q You stand upon your right to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q You understand that article of that treaty? A Why No, sir; not in full.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place on Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. It is some times called the treaty of Dancing Rabbit Creek. The object of the treaty was to remove the Choctaw Indians who lived in that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian territory. The design of the government was to give the Choctaw Nation, as a Nation, more complete protection than they had in that old Choctaw Nation in Mississippi and Alabama. Before the treaty was signed it became known that at least six thousand and perhaps seven thousand Choctaw Indians would refuse to go to the Choctaw Nation Indian territory under that treaty and to protect there interests article fourteen was drafted and put into the treaty. It was then signed and afterwards became ratified on the 24th day of February 1831. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather John Walker.

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- Q Did he or any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A To the best of my knowledge he did.
- Q What did he do to comply with that article? A He made application for land in Alabama in 1830.
- Q What evidence have you of that fact? A Well nothing more than just the Natural source of family history and tradition.
- Q Did he live in Mississippi in 1830 in the old Choctaw Nation? A Yes, sir.
- Q Was he a white man or Indian? A He was a white man.
- Q Did he marry an Indian? A Yes, sir.
- Q Whom did he marry? A I don't remember, --well, I would not say.
- Q What? A I don't remember her name..
- Q Do you know where he lived in Mississippi? A In Sumter County.
- Q What proof have you that he as a white man who married an Indian wife complied with article fourteen of the treaty of 1830; tell me exactly what your proof is? A Why I have an affidavit from a party Mrs. Gaines, all we have; that is the only proof that I could establish and present at present.
- Q Do you claim that your ancestor John Walker made application to Colonel William Ward, the United States Indian Agent within six months from the ratification of the treaty of 1830 for rights under article fourteen of that treaty? A To the best of my knowledge.
- Q Do you know whether his name was placed upon any list made by Colonel Ward the United States Indian Agent to the Choctaws? A Yes, we have that.
- Q Have you evidence that his name was placed upon Colonel Ward's list? A Yes, sir.
- Q Do you know whether or not the name of one John Walker appears upon Colonel Ward's list or register? A I have been informed that it did.
- Q What proof have you that your grandfather John Walker is the same John Walker whose name appears upon Colonel Ward's list; what the Commission wants to do is to identify your ancestor with the name of John Walker whose name appears upon that list? A I have none except Mrs. Gaines' affidavit.
- Q She is not here now is she? A No, sir; I have her affidavit.

Attorney Bailey:

Mrs. Gaines has made application here and her testimony is on file and we ask that her case and testimony be considered a part of this record.

By the Commission:

Has she made application here?

By Mr. Bailey:

Yes, sir.

By the Commission:

What is her name?

By Mr. Bailey:

Alberta W. Gaines.

By the Commission.

Reference is here made to the case of Alberta W. Gaines, M.C.R. 4639, for the purpose of consolidation.

- Q You yourself are not able to testify in regard to the identity of your ancestor John Walker as being the same John Walker whose name appears upon Colonel Ward's registry list? A No, sir.
- Q But to support that fact you wish to refer to the testimony and record made in your case and the application for identification as a Mississippi Choctaw of Alberta W. Gaines? A Yes, sir.
- Q You want also to refer to the application made by relatives of yours who claim through the same common ancestor? A Yes, sir.
- Q That they may all be consolidated with your case? A Yes, sir.

The records of the Commission show that on page 18, of volume 1, Choctaw Nation Vs the United States, a list of Ward's register. In said list of names of persons who wished to have reservations by remaining five years and becoming citizens is the name of one John Walker, the date of entry of which name is June 13, White man who married an Indian wife.

- Q Are you able to give any further testimony with reference to the fact that you are descended from John Walker, a white man, who married an Indian wife and who received benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q You have no further knowledge than you have already given? A No, sir.

The Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. Because he failed to do so a great many Choctaw Indians lost their land which they held in the old Choctaw Nation. They made a great many complaints and because of the complaints made Congress appointed a Commission in 1837, by act approved March 3rd of that year which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved August 23, of that year another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors, John Walker, or any other Choctaw ancestor of yours went before either of these two Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir; I do not.
- Q This question is asked you in the event that it should prove to be a fact that John Walker, through whom you claim your right to be identified as a Mississippi Choctaw, is not the identical John Walker whose name is upon Ward's list. There might be more than one John Walker, but, you never heard that the John Walker from whom you are descended went before either of these two Commissions? A No, sir.

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Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved their claim under article fourteen of the treaty of 1830 and also proved that they had formerly held land in the old Choctaw Nation which the government had taken from them and sold.

Q Do you speak the Choctaw language? A No, sir.

Q Is there any other evidence you want to submit at this time? A No, sir.

By attorney Bailey:

At this time I suppose it is proper to submit a certified copy that I received from the Department of the Interior that was issued to this man John Walker; we will ask for thirty days time in addition to this.

By the Commission:

Certified copy from the Interior Department dated Washington, D.C. May 8, 1902 of the patent issued to John Walker a Choctaw Indian for land in Alabama, presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

Examination by attorney Frank M. Bailey.

Q What was your father's name? A John Gilford, G-i-l-f-o-r-d.

Q What was your mother's name? A Maiden name?

Q Yes? A Elizabeth Garner.

Q Is she still living? A Yes, sir.

Q Do you know the names of your grandfather and grandmother Mr. Ryan? A Yes, sir.

Q Your father's mother and father; what were their names? A Jacob Ryan and Elizabeth Walker.

Q Elizabeth Walker Ryan? A Yes, sir.

Q Do you know the name of your grandfather's father? A John Walker.

Q Do you know where they lived? A In Alabama.

Q Do you know what County? A Sumter.

Q Do you know whether John Walker ever held land in Alabama Mr. Ryan? A Only from the copy of the patent.

Examination by the Commission

Q Where did you get this copy of this patent Mr. Ryan? A Washington.

Q Got it from the record in Washington did you? A Yes, sir.

Q You never have seen or heard of any such patent in your family? A No, sir.

Q Do you know of any persons members of your family who have heard of that patent being in the family? A No, sir.

Q Do you know of any member of your family who knows where that land was situated by having heard it described by members of your family? A No; I suppose though in Sumter County.

Q Do you know what ever became of that land; if land was ever owned in your family do you know what became of it? A No, sir; I do not.

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- Q Don't know whether it was enjoyed by John Walker or whether it was sold by him or some of his descendants or taken for tax?
A No, sir; I could not say.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; dark brown hair; light gray florid complexion.

- Q Do you speak or understand the Choctaw language? A No, sir.

He does not understand the Choctaw language and claims compliance on the part of his ancestor, his grandfather, with the provisions of article fourteen of the treaty of 1830 in that his name appears, he claims, on Ward's registry list but is unable himself to identify his grandfather Jean Walker with the John Walker whose name appears upon said list made by Colonel William Ward formerly United States Indian Agent to the Choctaw Indians in Mississippi.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 14 day of June 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5770.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Stephen Walker Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Tame Dixby.

Chairman.

Register.

Muskegee, Indian Territory, December 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office, under date of August 29, 1906, invited the attention of the Department to the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., in which a decision was rendered by the Commission to the Five Civilized Tribes adverse to the applicants May 15, 1903; the record in the case being transmitted the Department June 1, 1903.

This case is still before the Commissioner of Indian Affairs or the Department, and the applicants and their attorneys are continually requesting this office for information in reference to the probability of early action thereon.

Permit me in connection with this case to particularly invite attention to the application of Stephen Walker Ryan, one of the applicants therein, and who is also an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation. Mr. Ryan's attorneys are urging this office to make disposition of his application for enrollment as a citizen by intermarriage of the Chickasaw Nation, without reference to his application for identification as a Mississippi Choctaw.

(2)

The Commissioner, on December 19, 1906, advised Thos. Norman, Ardmore, Indian Territory, one of the attorneys of Stephen Walker Ryan, that Mr. Ryan's application for enrollment as a citizen by intermarriage of the Chickasaw Nation would not be disposed of while his application for identification as a Mississippi Choctaw was still pending before the Department.

Mr. Ryan appears from the records of this office to be prima facie entitled to enrollment as an intermarried citizen of the Chickasaw Nation, and I have therefore the honor to respectfully suggest that the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al. be disposed of at the earliest possible date, in order that the pending application of Stephen Walker Ryan for enrollment as a citizen by intermarriage of the Chickasaw Nation may receive consideration and action.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

MCR-5970.

Muskogee, Indian Territory, March 16, 1907.

Stephen W. Ryan,
Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

William Francis Ryan ^{on Chs Ball} 1883
Jan 1883 - Pickens Co. 1883
(American City)

Joint named to Carrie Charles
Chs woman
Dec 15 1875 - She died in
1890 - Lived with Carrie
until she died.

William Charles Ryan a white
woman - Aug 16 26 97.

"William Charles" (white card)
Chs woman 289

Expenditure of father who saw marriage to be captured

No. 5770

For Identification as a Mississippi Choctaw.

Date

JUN 5 1932

Name Stephen W. Ryan

Age 46 — Blood $\frac{1}{16}$

Post-Office. Ryan, D. T. --

Father: John H. Ryan, d

Mother: Elizabeth .. l

Claims through father —
wife - 2nd

Sallie Ryan, l. w.

No claim for wife No 2
1st wife, Carrie (Chas. Le) Ryan, (d.)
an enrolled chieftain.

Children:

Birdie Ryan F. 3
daughter of 2nd wife.

Claims for prop &
chieftain

By G. R. Rammick

Choctaw MCR 5771

James W. Ryan

See MCR 4639

MCR 5771

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 8, 1902.

5771

In the matter of the application for identification as Mississippi Choctaws of James W. Ryan for himself and his six minor children, Walter, John, Claude, Georgie, Maggie May, Minnie and Brian Ryan.

Frank M. Bailey attorney representing applicants.

James W. Ryan being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James W. Ryan.
Q What is your age? A Forty-eight.
Q What is your post office address? A Winnekah.
Q Indian Territory? A Yes, sir.
Q How long have you lived at Winnekah? A Two years.
Q Where did you live before that? A Near Ryan.
Q Indian Territory? A Yes, sir.
Q How long did you live in Indian Territory altogether? A About thirty years.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A I don't remember.
Q How long did you live in Mississippi? A Why a couple of years.
Q From Mississippi you went where? A To Arkansas.
Q How long did you live in Arkansas? A I don't remember.
Q You went from Arkansas to where? A To the Territory.
Q And have lived here since? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A John Gilford Ryan.
Q What is your mother's name? A Elizabeth Garner.
Q Elizabeth L. is it? A No, sir.
Q What did you say? A Elizabeth Garner.
Q Elizabeth Ryan then? A Yes; that was her maiden name.
Q You claim Choctaw blood through which parent father or mother? A Father.
Q How much do you claim? A About one-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir; I think not.
Q Have you proof of the marriage of your father and mother with you? A No, sir.
Q You will introduce that later; within a reasonable time? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Jennie.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian or white woman? A White woman.

- Q You make no claim for her as a Choctaw Indian? A No, sir.
 Q Have you any children you want to make application for? A No, sir.
 Q You have no children you want to apply for? A Why yes.
 Q What is the name of your oldest child? A William Richard.
 Q How old? A Twenty-five.
 Q I want your children under age and unmarried. The older children will have to apply for themselves; I want only those under age and unmarried? A Walter.
 Q How old is Walter? A Sixteen.
 Q Next? A Claud.
 Q G-l-a-u-d-e? A G-l-a-u-d.
 Q Boy? A Yes, sir.
 Q How old is he? A He is fourteen.
 Q Next? A Georgie.
 Q Boy? A Yes, sir.
 Q How old? A Ten.
 Q Next? A Maggie May.
 Q How old? A Eight.
 Q Any more? A Minnie.
 Q How old? A Four.
 Q Any others? A Orian.
 Q How do you spell that? A O-r-i-a-n.
 Q Boy? A Five months.
 Q You claim for yourself and this child? A Yes, sir.
 Q Is Jennie Ryan the mother of these children? A She is the mother of four of them.
 Q What four? A Georgie, Maggie, Minnie and Orian.
 Q Jennie then is your second wife? A She is my third wife.
 Q What was the name of your second wife? A Nannie Stamps, S-t-a-m-p-s.
 Q She is dead? A Yes, sir.
 Q Was she a white woman? A Yes, sir.
 Q No Choctaw blood in her? A No, sir; not that I know of.
 Q Did you have any children by her? A Yes, sir.
 Q Which? A The children died.
 Q What was the name of that child that died? A We never named it.
 Q How your second wife was not the mother of either Walter or Claud? A No, sir.
 Q Give me the name of your first wife? A Mollie Dawson.
 Q Did she have any Choctaw blood? A None that I know of.
 Q Was she a white woman? A Yes, sir.
 Q Was she the mother of Walter and Claud? A Yes, sir.
 Q When and where were you married to your wife Mollie? A At Henrietta Texas.
 Q What day of the month and year? A I don't remember.
 Q Can you introduce proof of that marriage later? A Yes, sir.
 Q When were you married to your third wife Jennie? A Near Ryan.
 Q You remember day of the month? A I don't but I can introduce it.
 Q You can produce that proof later? A Yes, sir.

Thirty days time will be allowed this applicant in which to introduce proof of the marriage of his father and mother also proof of his marriage to his first wife Mollie and his third wife Jennie in support of the application he makes for these six minor children; also for the introduction of any other evidence or testimony which he may desire to introduce applicable to his case.

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- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authority in Indian Territory? A No, sir; I never did.
- Q Have you ever made application for citizenship in the Choctaw Nation previous to this application to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Did you ever make application for yourself and your children for enrollment as Choctaw Indians to any authority whatever previous to your present application which you make now? A No, sir.
- Q Have you or your children ever been enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authority the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes; I guess I do.
- Q Do you know; now Mr. Ryan I do not want any guessing about it; do you claim under article fourteen of that treaty? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It was made for the purpose of removing as far as practicable all of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q You understand the question Mr. Ryan? A I don't know.

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- Q Did any of your ancestors, your grandfather or grandmother; great grandfather or great grandmother do any of these things enumerated in article fourteen of the treaty of 1830 which would enable them to select land in Mississippi; did you ever hear that?
- A I think they held land there.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Walker
- Q Did he live in Mississippi in 1830? A Yes, I think he did.
- Q Do you know whether he did or not? A No, sir; I don't know.
- Q What makes you think that John Walker your grandfather ever lived in Mississippi or Alabama? A Only from family history and talk.
- Q Who told you in the family now? A My father.
- Q Did your father tell you that John Walker was his father's father or his mother's father; is John Walker your father's father or your mother's father; is this your great grandfather?
- A Yes, sir.
- Q You claim through your father John Gilford Ryan? A Yes, sir.
- Q He claimed through his father or mother? A His mother.
- Q What was her name; maiden name? A I don't know.
- Q Don't you know the name of her father? A No, sir.
- Q Who is John Walker; where does he come in; he is your great grandfather you say; don't you know? A No.
- Q You don't know whether he ever had any land in Mississippi or not? A No, sir; I don't.
- Q Do you know whether he ever had any land in Alabama? A No, sir.
- Q Did you ever hear that he had any land in Mississippi or Alabama in the old Choctaw Nation? A I heard that he did.
- Q Where did he hold land? A In Sumter County, I think.
- Q In Mississippi? A Yes, sir.
- Q Well your knowledge based upon family history and tradition is that your great grandfather John Walker owned land in Sumter County, Mississippi? A Yes, sir.
- Q You never heard that he had land in Alabama? A I believe it was in Alabama.
- Q You see we want something definite here; you are testifying as to your knowledge of facts on a material point in the case and I would like to know if you can testify from family history that John Walker had land in Mississippi or Alabama? A I think it is Alabama.
- Q In what County in Alabama? A I don't know.
- Q Do you really know whether it was in Alabama as a matter of positive knowledge? A No; I don't really know that.
- Q Do you know whether your father ever lived in Mississippi or Alabama in the old Choctaw Nation? A Yes; he lived in Mississippi.
- Q Was he born in Mississippi? A I think he was born in Alabama.
- Q How old would he be if living now? A I could not tell you just now? A
- Q He claimed through his mother I understood you to say? A Yes, sir.
- Q But you can't give me her name? A No, sir.
- Q Did she live in Mississippi or Alabama? A Yes, sir.
- Q Did she live there in 1830? A I think she did.
- Q Where, in Alabama or Mississippi, in the old Choctaw Nation? A Alabama.
- Q Was she married in 1830 and was she the head of a family there then? A I could not say.
- Q You cannot tell the name of her father? A No, sir.
- Q Can you tell whether that was John Walker or not? A No, sir; I don't know.

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- Q What proof have you or what family history and tradition have you that your great grandfather John Walker lived in Alabama in the old Choctaw Nation and was the head of a family there then? A I have been told that Mrs. Gaines knows.
- Qx She is an applicant to be identified before the Commission as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to refer to her case in support of this application which you make? A Yes, sir.
- Q Also to the cases of other relatives of yours who have made application to be identified as Mississippi Choctaws claiming through the same ancestors? A Yes, sir.

By attorney:

Also to those who are to make application.

By the Commission:

The case of Alberta W. Gaines, M.C.R. 4639 is here referred to for the purpose of consolidation.

- Q You yourself Mr. Ryan know very little about your great grandfather John Walker? A No, sir; not a great deal.
- Q You would rather depend upon the record made in the case of Alberta W. Gaines, would you not? A Yes, sir.
- Q Do you know whether your great grandfather John Walker went to the United States Indian Agent whose name was Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become a citizen of the States? A No, sir; I don't know.
- Q Was John Walker an Indian? A Yes; I reckon he was.
- Q How much Choctaw blood did he have? A I don't know.
- Q What was the name of his wife? A I don't know.
- Q How much Choctaw blood did she have if any? A Claimed to be one-half.
- Q Then both of them had Choctaw blood; is that so? A I don't know.
- Q You have already testified to that; do you want to change your testimony? A I think the testimony is on,—is considered on, a John Walker's side.
- Q You mean the Choctaw blood comes from him and not from his wife? A Yes, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Yes; my father told me.
- Q Who went do you know? A No, sir; I do not; I think my great grandmother was her.
- Q John Walker's wife? A Yes, sir.
- Q Do you know when she left that Territory and came to this Indian Territory? A No, sir.
- Q Do you know whether she came with the other Indians and was removed by the government at its expense? A Yes, sir.
- Q How do you know that? A My father has told me so.
- Q Is she, John Walker's wife, came to the Territory do you know where she located? A No, sir.
- Q Do you know where she died? A No, sir.
- Q As you understand it she was a white woman? A I think she was.
- Q Why was it that her husband John Walker did not come with her? A I don't know.
- Q Did you ever hear that your great grandfather John Walker or your great grandmother ever lived in the old Choctaw Nation in Mississippi or Alabama and held land there which land was received

by them from the United States by a patent? A I have been told they held land there.

Q Did you ever hear that they got it from the government or did they buy it? A No, sir I don't think they bought it.

Q Were you ever told they got it from the government? A No, sir.

Q Did you ever hear that any members of your family, I mean by that your ancestors, ever received any patent from the United States for land received by them in Mississippi; I mean by a patent, a deed of land which was issued by the government; did you ever hear that? A Yes, I reckon.

Q Who received any such patent as that? A I don't know exactly; I did not understand the question.

Q Who got a deed for land from the government? A John Walker.

Q As a Choctaw Indian? A Yes, sir.

Q His wife had no Indian blood you say? A I don't think she did I don't know.

The Choctaw Indians who lived in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to place upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales. On account of the complaints made among the Indians in 1837, by act of March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. This second Commission was appointed by act of Congress approved August 23, 1842.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't think they did.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their right under article fourteen and also proved that they had had land in Mississippi which the government had taken from them and sold, in the old Choctaw Nation in Mississippi or Alabama.

Q Have you any evidence you want to introduce at this time? A No, sir; I believe not..

Q Do you speak the Choctaw language? A Why I understand some of it.

Q You picked it up by association with the Indians in the way of business? A Yes, sir.

Q Can you carry on a conversation with them in their language? A No, sir.

Q Just knew a few words? A Yes, I use to speak it a little.

Q You don't claim to know it very thoroughly? A No, sir.

Examination by attorney Bailey.

- Q Mr. Ryan where were you born? A In Mississippi.
 Q How long did you live in Mississippi? A Two years I believe.
 Q Where did you live in Mississippi? A I don't remember the County.
 Q What was your father's name? A John Gilford Ryan.
 Q What was his father's name? A Jacent Ryan.
 Q What was his mother's name? A I don't know.
 Q Your father's mother's name? A No, sir.
 Q What was your father's grandfather's name? A John Walker.
 Q What was your grandfather's father's wife's name; do you know? A I don't know.
 Q Do you know Goolsby Walker? A Yes, sir.
 Q Where did you see him? A In Mississippi.
 Q What relation was Goolsby Walker to your father? A He was an uncle of my father's.
 Q Do you know the father of Goolsby Walker; did you know his name? A No, sir.
 Q Do you know where Goolsby Walker formerly lived before moving to Mississippi? A Alabama I think.
 Q Do you know Mr. Ryan where Sumter County is; whether it is in Alabama or Mississippi? A No, sir.
 Q When you said a little while ago that these lands were in Sumter County did you mean to tell the Commission whether these lands were in Mississippi or in Alabama? A In Mississippi is what I want to tell.
 Q You don't know whether Sumter County is in Alabama or Mississippi, A No, sir I do not.
 Q How is it Mr. Ryan that you came to the impression that you were a Mississippi Choctaw? A The fact of the business is that I came from Mississippi.
 Q Well as to your blood; do you know whether your father ever made any effort to identify himself as a Choctaw Indian? A Yes; he did.
 Q You know when that was? A About thirty or thirty-five years ago.
 Q Soon after you moved to the Territory; you know by your own personal knowledge that your father made an effort to identify himself as an Indian citizen? A Yes, sir.
 Q Did your father hold land as an Indian citizen? A No, sir.
 Q Do you know Alberta Gaines? A Yes, sir.
 Q What relation is she to you? A Second cousin.
 Q Do you know Walker Ryan the applicant just ahead of you? A Yes, sir.
 Q What relation to you? A My brother.

By the Commission:

- Q You mean Stephen Walker? A Yes, sir.

By attorney:

- Q Did you ever hear as a matter of tradition and talk from your father that you were a part Indian? A Yes, sir.
 Q And your great grandfather John Walker was an intermarried white man? A He answer.
 Q Did you ever hear that your great grandfather was an intermarried white man? A I have been told that he was.
 Q Do you know whether Goolsby Walker had any brothers or sisters? Yes; I think he did.

- Q Did you ever know any of these brothers or sisters in person?
A No, sir.
- Q Did you ever know James Ryan? A Yes, sir.
- Q What was his full name? A James William, I think it was or James, I could not say.
- Q What relation was James Ryan to you? A My uncle.
- Q Brother of your mother or father? A Brother.
- Q Brother of your mother or father? A Brother to my father.
- Q Do you know whether or not James Ryan ever had any children? A Yes, sir.
- Q Do you know any of these children now? A Yes, sir.
- Q What are their names? A Well I could not give all of them.
- Q Give those that you can? A Ed Ryan, Bud Ryan.
- Q What is the regular name? No answer.
- Q Any others? A Babe Ryan.
- Q Did he have any daughters? A Yes, sir.
- Q What are the names of these daughters? A I don't know their names.
- Q You know whether they are Smiths or Jenesses? A They are present right here. I think Laura is one.
- Q What is her family name? A They are Ryans.
- Q Which one are they? A They are not here just now.
- Q How long have you lived in the Territory Mr. Ryan? A About thirty years.
- Q How long have you been of the information and idea that you were possessed of Indian blood? A Always.
- Q All your life? A Yes, sir.
- Q Do you remember Goolsby Walker? A Yes, sir.
- Q Do you remember whether or not he owned slaves? A I think he did.
- Q Do you remember the names of any of these slaves? A I remember one Negro boy.
- Q Do you remember his name? A Ephraim.
- Q You know whether he is still living? A I don't know; I have been told he is.
- Q Have you ever seen any documentary evidence of any kind what purported to show that your great grandfather, John Walker, ever held any land in Mississippi? A Nothin but this business here.
- Q This patent here? A Yes, sir.

By the Commission:

- Q You will remember on direct examination I asked you several times if John Walker had Indian blood or if it was his wife who had the Indian blood and you stated that John Walker had the Indian blood you thought; do you remember? A Yes, I think it was John Walker.
- Q You think so now do you? A Yes, sir.
- Q Now on examination by your attorney he asked you a question substantially like this; have you been told by members in the family that your great grandfather was a white man and married a citizen of the Choctaw Nation and you answered that is what you understood or something to that effect; now those two statements are contradictory; don't you see? A Yes, sir.
- Q Now what do you mean really, whether John Walker had Indian blood or whether he did not? A Well I don't exactly understand the question. This Indian blood comes from my great-grandmother on my father's side.
- Q Very well; that would be John Walker's wife, would it not? A Yes, sir.

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By attorney:

I want the patent offered in the other case also considered in this.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair; blue eyes; dark complexion but his skin is now considerably tanned by the sun. He has no knowledge of the Choctaw language only a few words which he has learned from time to time not being able to carry on a conversation with a Choctaw Indian. He is not able to testify with any certainty about compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

G. Rosenwinkel
W. Mitchell

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 8, 1902.

In the matter of the application for identification as Mississippi Choctaws of James W. Ryan, et al., M.C.R. 5771.

F. W. Bailey attorney for applicants.

James W. Ryan, being recalled testifies as follows:

Examination by the Commission.

- Q Mr Ryan, in response to the question, whether you or your children had ever been enrolled by the Choctaw tribal authorities, in making application for identification as Mississippi Choctaws, you said "NO" is that a fact? A I never have been before the Dawes Commission.
- Q Have you ever been before the Choctaw tribal authority? A Yes; I was there.
- Q Where? A At Atoka.
- Q When? A I don't know just the date.
- Q When did you go before? A Went before the Commission.
- Q What Commission? A Choctaw Commission.
- Q About when was that? A About six or seven years ago.
- Q What year was it? A I don't know; it must have been ninety or eighty-five.
- Q Did you personally go before that Commission? A I was there.
- Q Well did you testify before them? A No, sir; I did not testify.
- Q What did you do? A Proof was presented.
- Q You think that was in 1885? A I think it was.
- Q You know how long ago that is? A About seven years.
- Q About seventeen years ago? A Well Yes
- Q How long have you lived in the Choctaw-Chickasaw Nations? A About thirty years.
- Q Have you ever been recognized in any way by the Choctaw tribal authority as citizen in their payments? A I have a certificate recognizing me as a citizen by blood..
- Q Where is it? A Mr. Bailey here has it.

The applicant here offers in evidence the certificate of S. J. Homer, National Secretary of the Choctaw Nation, of the enrollment, by the board of Chief Commissioners of the Choctaw Nation, to Choctaw citizenship of James W. Ryan, his wife Jennie Ryan, and their children, Willie, Walter, George, Claude and Maggie Ryan. The names of these persons appear upon the 1896 census roll of the citizens of the Choctaw Nation, furnished the Commission to the Five Civilized Tribes;

James W. Ryan, page 285, number 11072,	
Jerry " " 199, " 15008 (intermarried citizen)	
Willie " " 287, " 11173,	
Walter " " 285, " 11174,	
George " " 285, " 11176,	
Claude " " 285, " 11175,	
Maggie " " 285, " 11177	

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- Q This certificate that you present Mr. Ryan, shows that you and your wife and children were placed upon the tribal rolls of the Choctaw Nation, January 1897? A Yes, sir.
- Q How when did you actually apply to this revisory board to have your names placed upon the roll? A Why I think it was in ninety-seven.
- Q Was this certificate issued within a short time after you made application? A Why some eight or ten months I think; six or eight or ten months.
- Q Whom did you apply to at first? A We applied at Atoka at the Council there; Choctaw Council.
- Q Did you apply yourself or did somebody else apply for you? A My brother Andrew, A.J., applied for us.

Witness excused.

Andrew Jackson Ryan called as a witness being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Andrew Jackson Ryan.
- Q How old are you? A Forty.
- Q What is your post office address? A Ada, is my post office address.
- Q Are you a brother to James W. Ryan? A Yes, sir.
- Q Did you procure his enrollment by the Choctaw tribal authority? How is that?
- Q Did you procure his enrollment as a citizen of the Choctaw Nation by the Choctaw tribal authority? A Yes, sir; I did.
- Q When? A It was in January 1897 I think.
- Q When did you first submit the application to have the family of James W. Ryan enrolled? A Ninety-six I think.
- Q What time in ninety-six? A I think in November.
- Q In November 1896? A Yes, sir.
- Q Whom did you apply to? A I applied to the Commission; it was appointed by the Choctaw Council.
- Q Where? A At Atoka.
- Q What did the Commission do? A Why they done this; they agreed to hear our cases at Tuskahoma when they met there.
- Q When were they to meet at Tuskahoma? A I don't remember just when they was to meet I was notified when they was to meet.
- Q You had entire charge and control of all this citizenship matter of all these people? A Not entirely; I don't reckon. I tended to most of it; of course I had assistance.
- Q Then the application you first made was some time in the fall of 1896 along about in November? A I think in November.
- Q You made that to the Commission at Atoka? A Yes, sir.
- Q Now did they take any action on that? A Why they taken action this far; that they would hear our case when they met at Tuskahoma.
- Q Did they refuse to receive your application that you made in November 1896? A I don't know whether they refused to receive it or not.
- Q Tell me exactly what they did? A They did not do anything.
- Q Did not entertain it; did not accept your application for consideration at that time? A They did not hear our cases.
- Q Put you off until January or until they met at Tuskahoma? A Yes, sir.
- Q When did they meet at Tuskahoma? A I don't know I met them there about the fifth.

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- Q Fifth of what? A Fifth of January.
- Q Whom did you go before at Tuskahoma? A I went before the board; the revisory board.
- Q Who was on that board? A I know two of the parties but the other man I am not sure who he was; I am not acquainted with him; I am acquainted with the other two, Simon Lewis and A. R. Durant, was the others.
- Q What action did the board take? A Well they accepted it and examined what proof we had.
- Q Was the enrollment of James W. Ryan and his wife and children by this revisory board in January 1897, the first recognition by the Choctaw tribal authority of these people as citizens of the Choctaw Nation? A Was the first?
- Q Yes; was that the first time the Choctaw tribal authority or any citizenship committee, or the National Council, had ever acted upon that application? A So far as I know.
- Q Did you ever hear of their being recognized by the Choctaw tribal authority before that? A No, sir.
- Q Then the application you submitted in November 1896 and which was not acted upon but was passed over until they went to Tuskahoma in 1896 were the first steps that these people had ever taken to have themselves legally recognized by the Choctaw tribe as citizens of that tribe? A Why it was understood---
- Q I don't want any understanding, I want to know if these were the first legal steps? A That was the first legal steps taken to my knowledge of course I heard that my father had taken steps years ago but I don't know that myself.

Examination by attorney Frank W. Bailey.

- Q You say that you did appear before this Commission in November 1896? A I am not positive that it is November but during that year.
- Q They requested then that you let that go over? A Until they met at Tuskahoma.
- Q Did you have counsel at that time? A Yes, sir.
- Q Who was it? A A. Telle.
- Q Do you know of your own personal knowledge that your attorney submitted any proof to that Commission? A Yes, sir.
- Q Were they of a documentary form; were they? A Yes; affidavits.

Witness excused.

James W. Ryan, recalled, testifies as follows.

- Q Did you or your children or your wife ever draw any money payments as citizens of the Choctaw Nation? A No, sir.
- Q Were you ever recognized in any manner as citizens of the Choctaw Nation prior to this enrollment by the Revisory Board in January 1897? A Not until I received this, I was not recognized.
- Q Then the first tribal recognition for the rights of yourself, your wife and children as citizens of the Choctaw Nation was this action of the Revisory Board in January 1897? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in

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said cause on said date of June 1902.

E. Roseman Kel

Subscribed and sworn to before me this 21 day of June 1902.

Conrad H. Wood

Notary Public.

Miss. Choctaw R5771

Muskogee, Indian Territory, June 25, 1902.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 21, inclosing application for an extension of thirty days in which to file interrogatories in the matter of the applications of Ryan, et al. for identification as Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that at the time of their appearance, June 6, 1902, thirty days time was allowed these applicants in which to introduce evidence in support of their claims. In compliance with the request contained in your letter, you will be granted fifteen days from July 6, 1902, or until July 21, 1902, in which to file interrogatories to be propounded to witnesses in this case and proof of service of a copy of the interrogatories on the attorneys for the Choctaw and Chickasaw Nations, in accordance with the rules and regulations governing the taking of depositions in support of applications for identification as Mississippi Choctaws truly,

M.C.R. 5571.

Muskogee, Indian Territory, August 27, 1902.

H.J. Fowler,

Potomac, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th inst., asking to be advised the status of the case of James W. Ryan, who is supposed to be a Mississippi Choctaw.

In reply to your inquiry, you are informed that it appears from the records of the Commission that James W. Ryan, age 48 years, residence Himerah, Indian Territory, appeared before the Commission on June 5, 1902, and made application for the identification of himself and six minor children as Mississippi Choctaws.

No decision has been reached nor opinion rendered relative to the right of these persons to be identified as Mississippi Choctaws. When a decision is rendered, the principal applicant will be duly notified thereof, and of the forwarding of the record to the Secretary of the Interior for review.

The present status of these persons is that of applicants for identification as Mississippi Choctaws whose right to such

R J P 3

identification has in no manner been determined.

Yours truly,

Acting Chairman.

✓
M.C.R. 5771

Muskogee, Indian Territory, January 31, 1903.

James W. Ryan,
Winnokah, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Gornish, has protested against the enrollment of yourself and your children, Walter, Claud, Georgie and Maggie May Ryan, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

M.C.R. 5771

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gertie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of cer-

tain persons upon the 1896 Choctaw census roll without authority

Frank M. Bailey-2

of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5771.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

James W. Ryan,

Ninnokah, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooley, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogan, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Lile E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlanda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James Diney.

Chairman.

Register.

Muskogee, Indian Territory, October 7, 1903.

Holding & Bailey,

Attorneys-at-Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 24, 1903, in which you ask if the Commission will re-open the case of J. W. Ryan, et al., applicants for identification as Mississippi Choctaws, for the purpose of hearing further testimony therein.

In reply to your letter you are informed that it appears from our records that on May 13, 1903, the Commission rendered its decision refusing the applications for identification as Mississippi Choctaws of James W. Ryan, et al., and on June 1, 1903, the record in said case was forwarded to the Secretary of the Interior. The Commission has not yet been advised of any Departmental action in this case, and pending action therein by the Department, cannot receive or consider any further testimony in the matter of the applications for identification as Mississippi Choctaws of James W. Ryan, et al.

Respectfully,

Chairman.

M C R 5771

Muskogee, Indian Territory, January 13, 1906.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

There is herewith enclosed you carbon copy of letter this day addressed to Bond & Melton, attorneys at law, Chickasha, Indian Territory, in reply to their communication of December 22, 1904, in which they request that certain land be reserved for one J. W. Ryan.

Our reply was prepared in lieu of the one drafted by your office under date of December 28, 1905.

Respectfully,

Chairman.

1/13

M C R 5771

Muskogee, Indian Territory, January 14, 1906.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 22, 1904, asking that certain land be set aside for J. W. Ryan.

In reply you are informed it appears from our records that James W. Ryan is an applicant to this Commission for identification as a Mississippi Choctaw, his application being included in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., which case is now before the Department for consideration, the Commission having rendered a decision on May 15, 1903, adverse to all the applicants.

You are further advised that the Commission cannot reserve any land from allotment in the Choctaw or Chickasaw Nations for Mississippi Choctaws unless specifically directed to do so by the Secretary of the Interior.

Respectfully,

Chairman.

M C R 5771

Muskogee, Indian Territory, April 11, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, by reference from the Secretary of the Interior. Therein you request that James W. Ryan, a Mississippi Choctaw applicant, be permitted to file contest for certain land.

In reply you are advised that we cannot give you any further information in regard to this matter than that contained in our recent communication to you.

Respectfully,

Commissioner in Charge.

MCR 5771 .

Muskogee, Indian Territory, November 4, 1905.

Chief Clerk,
Chootaw Land Office,
Atoka, Indian Territory.

Dear Sir:

I enclose herewith for your information, copy of a letter this day directed to Bond & Melton, attorneys at law, Chickasha, Indian Territory, relative to permitting J. W. Ryan, an applicant for identification as a Mississippi Choctaw, to institute contest proceedings in the Choctaw or Chickasaw Nations.

You will permit Mr. Ryan upon his personal appearance at your office to institute contest for his improved lands in the Choctaw Nation.

Respectfully,

Commissioner.

McM 4/1

MCR 5771

Muskogee, Indian Territory, November 4, 1905.

Bond & Helton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Under date of July 25, 1905, in reference to the right of J. W. Ryan to institute a contest, you stated that you were in receipt of a communication from the Secretary of the Interior advising that your request had been referred to the Commission to the Five Civilized Tribes for consideration and appropriate action.

It appears that J. W. Ryan is one of the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., and that you as the attorneys for Ryan have filed with the Department a motion asking that the application of Mr. Ryan be severed from the Mississippi Choctaw case of Alberta W. Gaines, et al. and that the same be considered as an application for enrollment as a citizen of the Choctaw Nation by virtue of the enrollment of the applicant by the tribal authorities of the Choctaw Nation.

I find that the name of J. W. Ryan appears upon the 1896 census roll of the citizens of the Choctaw Nation, Chickasaw District, page 285, opposite No. 11072.

B & M 2

In view of the recent opinion of the Department in the consolidated Mississippi Choctaw case of William C. Thompson, et al., it is probable that this office will be directed to adjudicate the rights of J. W. Ryan as a citizen of the Choctaw Nation irrespective of any action taken in reference to his application for identification as a Mississippi Choctaw.

If Mr. Ryan is the owner of any improvements in the Choctaw or Chickasaw Nations which have been applied for in allotment by any other citizen, and desires to institute contest therefor, he will be permitted to file his complaint, and the case will be docketed pending final determination of his right to enrollment as a citizen of the Choctaw Nation.

The Choctaw and Chickasaw land offices have been notified of this holding and instructed to permit Mr. Ryan upon his personal to institute such contest.

Respectfully,

Commissioner.

(COPY)

J.W.H.

LLB

DEPARTMENT OF THE INTERIOR .

WASHINGTON.

I.T.D.9975-1906.
L.RS.

August 22, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a letter dated August 7, 1906, from Bond & Melton, of Chickasha, Ind. T., which appears to relate to the Mississippi Choctaw enrollment case of Alberta W. Gaines, et al., but more particularly to that of J. W. Ryan et al., certain of whom have been enrolled, it is claimed, upon the 1896 Choctaw census roll.

As the Department is unable to identify Mr. Ryan's case, said letter of August 7, 1906, is inclosed for report and recommendation.

Respectfully,

Jesse E. Wilson

Through the Commissioner
of Indian Affairs.

Assistant Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of August 22, 1906 (I.T.D. 9975-1906), enclosing a letter of Messrs. Bond & Melton, attorneys at law, Chickasha, Indian Territory, dated August 7, 1906, relative to the Mississippi Choctaw case of Alberta W. Gaines, et al., but more particularly to that of J. W. Ryan, et al., certain of whom have been enrolled, it is alleged, upon the 1896 Choctaw census roll.

The Department being unable to identify Mr. Ryan's case, refers said letter to this office for early report and recommendation.

Messrs. Bond & Melton state that in May 1905, they filed a petition with the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Alberta W. Gaines, et al., praying that the cases of J. W. Ryan and others mentioned in the petition be severed from the Mississippi Choctaw case of Alberta W. Gaines, et al., and their rights to citizenship in the Choctaw Nation be determined upon the rights acquired by them by reason of their names appearing upon the 1896 Choctaw census roll.

(2)

Messrs. Bond & Melton desire to be advised of the present status of the petition referred to and as to whether or not the Department will pass upon the same in the near future.

The case to which reference is made is the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., (M.C.R. 4639) in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes May 15, 1903.

The original record in the case, together with the decision of said Commission was, on June 1, 1903, transmitted to the Department, through the office of the Commissioner of Indian Affairs. This office has not been advised of any action taken by the Department upon this case.

The decision of the Commission to the Five Civilized Tribes of May 15, 1903, referred to the fact that the names of several of the applicants appeared upon the 1896 Choctaw census roll, the particular paragraph in reference thereto being found on page 5 of the decision, as follows:

"It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), but it does appear that the names of certain of the applicants were, in January, 1897, placed on the 1896 Choctaw Census Roll by a so-called Board of Commissioners of the Choctaw Nation, said names appearing on said roll as fol-

lows: Jas. W. Ryann No. 11072, Willie Ryann No. 11073, Walter Ryann No. 11074, George Ryann No. 11076, Claud Ryann No. 11075, Maggie Ryann No. 11077, Orlenda Ryann, No. 11083, John G. Ryann No. 11084, Albert Ryann No. 11085, page 285, Mary Ryann Dawson No. 3671, page 88, Ellen R. Marshall, No. 8972, Gurtie Marshall No. 8973, Obed Marshall No. 8974, Claud Marshall, No. 8975, Eugene Marshall No. 8976, Lettie Marshall No. 8977, Mary Marshall No. 8978, Roy Marshall No. 8979, page 225; Dora E. Windle, No. 14137, Charles Windle No. 14138, Mary E. Windle No. 14139, Gaston Windle No. 14140 and Thomas Windle No. 14141, page 371. This purported enrollment in no way relates to or shows a compliance on the part of the ancestors of said applicants with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and in no way affects their rights as claimants under said article and treaty."

The Commission to the Five Civilized Tribes on June 8, 1905, transmitted for the consideration of the Department a petition of James W. Ryan, et al., submitted by Bond & Melton, praying that the applications of the parties named therein be severed from the Mississippi Choctaw case of Alberta W. Gaines, et al., and that their rights to enrollment as citizens by blood of the Choctaw Nation be considered by virtue of their names appearing upon the 1896 Choctaw census roll, and of their recognition as citizens by blood of said Nation by the Choctaw Council in February 1897.

The letter of Messrs. Bond & Melton of August 7, 1906,

(4)

is returned herewith inasmuch as the matters referred to seemingly require the consideration of the Department.

Respectfully,

SIGNED *Wm. C. Deall.*

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

G.H. 20-1

MOR-5771

Muskogee, Indian Territory, October 3, 1906.

James W. Ryan,

Ninnekah, Indian Territory.

Dear Sir:

Replying to your letter of the 27th ultimo you are advised that the Chief Clerk of the Chickasaw Land Office at Ardmore, Indian Territory, has been instructed to permit any or all of the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al. to designate in person or by petition the lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws or enrolled as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

MCR-5771.

Muskogee, Indian Territory, October 3, 1906.

W. R. Ryan,

Ninnekah, Indian Territory.

Dear Sir:-

Replying to your letter of September 27, 1906, you are advised that the Chief Clerk of the Chickasaw Land Office at Ardmore, Indian Territory, has been instructed to permit any or all of the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al. to designate in person or by petition the lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws or enrolled as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

MOR-5771.

Muskogee, Indian Territory, March 16, 1907.

James W. Ryan,
Winnepah, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 5771

For Identification as a Mississippi Choctaw.

Date

JUN 5 1912

Name James W. Ryan

Age 48 Blood 1/8

Post-Office, Kinnekah, I. T.

Father: John Gifford Ryan, d

Mother: Elizabeth " l

Claims through

father

wife 3rd

Jerome Ryan, l. w.

mother of all but first two.

No claim for wife -

wife 2. Hannie Ryan (d) w.

wife 1. Mollie " (d) w mother

of Walter and Claud Ryan,

Children:

William R. Ryan,

Walter Ryan, 16

Claud " 11 14

Georgie " 11 10

Maggie May (May) " 7 8

Minnie " " 4

Orian " 11 9 m.

Claims for self &

children

Stenographer H. Harrison

Choctaw MCR 5772

Mary Elizabeth Dawson

See MCR 4639

MCR 5772

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 5, 1902.

5772

In the matter of the application for identification as a Mississippi Cheetaw of Mary E. Dawson.

Frank M. Bailey attorney for applicant.

Mary E. Dawson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary E. Dawson.--Mary Elizabeth is my full name.
- Q What is your age? A Forty-four.
- Q What is your post office address? A Minnehah, Indian Territory.
- Q How long have you lived there? A Well first and last we have been in the Territory about ten years.
- Q How long at this place have you lived? A Five years.
- Q Altogether ten years, in the Territory? A Yes, sir.
- Q Where were you born? A In Arkansas.
- Q And lived there how long? A I was born in Arkansas and lived there until I was a year old and then came back to Arkansas and I believe was there about fifteen years and then came back here to the Territory? A
- Q And then came back to the Territory? A Yes, sir.
- Q Is your father living? A No, sir.
- Q Is your mother living? A Yes, sir.
- Q What was your father's name? A John Gilford Ryan.
- Q What is your mother's name? A Elizabeth Ryan.
- Q Through which parent do you claim Cheetaw blood? A My father
- Q How much Cheetaw blood do you claim? A One-sixteenth.
- Q Are you related to James W. Ryan? A He is my brother
- Q He claims one-eighth; there must be some mistake? A There must be.
- Q Well what do you claim? A I claim one-sixteenth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Have you proof of the marriage of your father and mother with you? A Yes, sir.
- Q Do you wish to file it? A We will file it later.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A You want his full name?
- Q Middle initial? A D. D. Dawson.
- Q Is he living? A Yes, sir.
- Q White man? A Yes, sir.
- Q Don't claim he has any Cheetaw blood? A No, sir.
- Q Have you any children you want to make application for? A No, sir.
- Q Is your name on any of the tribal rolls of the Cheetaw Nation in Indian Territory? A Yes, sir.

#2

- Q I asked if your name is on any of the tribal rolls of the Choctaw Nation in Indian Territory. If it is on any of the rolls it means that you have lived in the Indian Territory and have become enrolled in the Indian Territory as a Choctaw Indian? A

Attorney: This applicant has at one time made application before the tribal Commissioners as a Choctaw.

- Q What you mean is that at one time you made application to the Commission to the Five Civilized Tribes for enrollment as a Choctaw Indian? A Yes, sir.
Q Did you appear before the Commission in 1896? A No, sir.
Q When was it? A I never did appear before the Dawes Commission.
Q Where did you appear? A I appeared before the Choctaw Commissioners.
Q Will you please tell me what you mean? A We have always claimed this Choctaw blood and we employed an Indian to make this fight for us and we was enrolled by this Choctaw attorney. That is as near as I can explain it.
Q Did I understand you that you are enrolled as a Choctaw Indian? A I have been.
Q Why are you not now if you have been? A It seems that we have been stricken from the rolls and have never been notified.
Q Have you ever been notified that you were placed upon the rolls in the first place? A Yes, sir.
Q By whom were you notified? A By the Council.
Q Have you that proof with you? A

By attorney:

The applicant here has in her possession a certificate signed by the Secretary of the tribal Commission enrolling her as a Choctaw citizen by blood. We are informed by the Dawes Commission that no record appears in their record of this applicant ever having appeared before either the tribal Commissioners or the Dawes Commission.

By the Commission:

It is suggested that positive proof be presented by this applicant within thirty days from date hereof showing whether she is or is not a member duly enrolled by the Choctaw tribe.

Thirty days time from date hereof is allowed this applicant in which to introduce any proof that she may desire applicable to her claim and in support of this application she makes for identification as a Mississippi Choctaw.

- Q Do you understand Mrs. Dawson that you have a membership in the Choctaw tribe of Indians or not; do you understand that you have been accepted or rejected in the Choctaw tribe; are you a member of the Choctaw tribe of Indians as you understand it? I think I am.
Q If you think you are I do not understand why you come before the Commission now to become admitted as a Mississippi Choctaw? A I don't think that I am a member by being on the rolls.
Q You don't think you are a member of the Choctaw tribe of Indians at the present time? A I think I have the blood.
Q Do you know that you are now a member duly admitted and upon the rolls of the Choctaw Nation? A I don't think I am.

#3

- Q Therefore you come before the Commission now to be identified as a Mississippi Choctaw claiming your right to be identified under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty; if you do not it will be explained to you? A Well I don't hardly understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It was made between the United States government and the Choctaw Indians for the purpose of removing the Choctaws from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians and so article fourteen was put into the treaty to protect their interests and rights. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q How you understand that don't you? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Walker.
- Q What relation was John Walker to you? A My great grandfather; John Walker's wife I suppose I should have said.
- Q What was her name? A I don't know.
- Q Who is it that had the Choctaw blood; John Walker or his wife? A It was his wife.
- Q How much Choctaw blood did she have? A I could not say for sure but we have always been taught that she was a full blood.
- Q What was John Walker's blood? A He was a white man.
- Q Did any of your Choctaw ancestors comply or attempt in any way to comply with article fourteen of the treaty of 1830? A We are of the impression that they did.
- Q In what way? A We have a record of his land,--that copy of the patent.
- Q Copy of the patent? A Yes, sir.
- Q You say you have a copy of the patent of land held by John Walker your great grandfather? A Yes, sir.
- Q How do you know that that was your great grandfather that received the patent for the land that you speak of? A From family history?
- Q A matter of family history and tradition is it; who in the family told you that your great grandfather John Walker received a patent from the government for land under article fourteen? A I never was told that by my parents.

- Q Well how do you get that information? A Through the Walkers.
- Q That is going back to the descendants of John Walker? A Yes, sir.
- Q You don't get it through a direct line from John Walker to you but through the collateral relatives? A Yes, sir.
- Q Did anybody in your family ever see the original patent that John Walker had? A I don't remember now whether they did or not.
- Q Do you know where that land was located? A In Alabama.
- Q Was it in the old Choctaw Nation in Alabama or was it in some other portion of the state of Alabama? A It was in the old Choctaw Nation.
- Q You remember in what County it was located? A In Sumter County I think.
- Q Sumter County in the old Choctaw Nation in Alabama? A I can't answer that question.
- Q Then what you know of John Walker your great grandfather having received land in Alabama from the government is what you get based upon family history and hearsay? A Yes, sir.
- Q You claim your right through your father John Gilford Ryan? A Yes, sir.
- Q How old would he be if living now? A About seventy years.
- Q Where was he born? A In Sumter County Alabama.
- Q You say he was born two years after the treaty was made; he was born in 1832 in Alabama? A Yes, sir.
- Q He claims his Choctaw blood through whom? A His mother.
- Q Her name was what? A Elizabeth Walker.
- Q Your father was born two years after the treaty was made in the old Choctaw Nation in Alabama? A In Sumter County.
- Q Claims his Choctaw blood through his mother Elizabeth? A Yes, sir.
- Q Now did Elizabeth, his mother, have any children older than your father? A Yes, sir.
- Q How much older was an older brother or sister? A I could not tell you; I think there were four children in the family.
- Q Were they all born in Sumter County? A I could not say.
- Q Were any of them born there besides him? A I could not tell you.
- Q Do you think it probable that if your father was the youngest in the family and was born in Alabama in 1832 that his father and mother were living in Alabama in 1830? A My father's brother, eldest brother, was born in Sumter County, Alabama.
- Q You know how much older than your father he was? A I guess something like eight or ten years older. I could not say for sure.
- Q Your present impression from what you have received from members of your family is that your father had a brother who was from eight to ten years older than he? A I don't know that I can say because I am not sure?
- Q At least five years older? A Yes, sir?
- Q And was born in Alabama at the same place where your father was born? A Yes, sir.
- Q Then if that is true you claim your Choctaw blood through your father John Gilford Ryan who claims his Choctaw blood through his mother Elizabeth Walker, maiden name, who married a Ryan and lived in the old Choctaw Nation in Alabama in 1830 and was the head of a family there at that time; that is had children there then; that is your best impression? A Yes, sir.
- Q She claimed her Choctaw blood through her father John Walker? A No, sir; John Walker's wife.
- Q Now I claim through John Walker for this reason that upon a list made by Colonel William Ward, being the original and approved list made by him of claimants under the fourteenth article of the treaty of 1830 appears the name of one John Walker, white man, who married an Indian woman and he appears upon that list as a beneficiary under article fourteen of the treaty of 1830; have

you any knowledge or information that your great grandfather John Walker is that John Walker whose name appears upon Ward's list? A I could not answer that.

Q You have nothing to connect the two? A I don't understand that sufficiently.

Q Colonel William Ward was authorized by the United States government to make a list of the names of those people who appeared before him within six months from the ratification of the treaty and registered under article fourteen of that treaty. He made a list which list is called Ward's register. Now the name of one John Walker appears upon that register as a white man having an Indian wife; he had three children under ten years of age and four children over ten years of age; seven children altogether. The question is this do you know whether this John Walker upon this list is John Walker your great grandfather? A I guess it is.

Q Well I don't want you to guess? A Well I don't know.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory were required if they wanted to take advantage of article fourteen to go to the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. That list made by Colonel Ward is a very incomplete list containing the names of only seventy-one heads of families out of perhaps six thousand Indians among all who made application under article fourteen of the treaty of 1830. Because of his neglect to register these Indians who came before him within six months from the ratification of the treaty of 1830 many Indians who had land in the old Choctaw nation upon which they had improvements had that land together with the improvements upon it taken from them and sold by the government. So many complaints were made that two Commissions were appointed one in 1837 and the other in 1842 and these Commissions heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article of that treaty if you know? A I don't know; I think John Walker did.

Q You think he went before one of these Commissions? A I can't answer it.

Q You know these Commissions were appointed a long time after the treaty of 1830; one seven years after and the other twelve years after. These Commissions heard only Indians who failed to get upon this list known as Ward's register. You don't know whether John Walker went before either of these Commissions? A Yes; I believe he did.

Q You know which one he went before? A No, sir.

Q Did any of your Choctaw ancestors receive any scrip as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know sir.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830 and also showed that their land had been taken from them by the government and sold

at its public land sales. --Do you speak the Choctaw language?

A No, sir.

Q Have you any other evidence you want to introduce in support of this claim? A No, sir.

Examination by attorney Bailey.

Q Mrs Dawson what is your full maiden name? A Mary Francis Ann Elizabeth Ryan Dawson.

Q Do you know after whom you were named? A After my grandfather Walker.

Q Your grandmother Walker; that is tradition handed down? A Yes; that is what my father told me.

Q Did you ever know Goolsby Walker? A Yes, sir.

Q Did you know that any relationship existed between you and him? A Yes, sir.

Q What relation? A He is my great uncle.

Q You know Mrs. Alberta Gaines? A Yes, sir.

Q What relation to you? A My second cousin.

Q You know Stephen Walker Ryan; and James William Ryan? A Yes, sir.

Q What relation to you? A My brothers.

Q What was the name of your father? A John Gilford Ryan.

Q Have a brother? A Yes, sir.

Q What was his name? A He had one by the name of Joseph and one named James and uncle James has a middle name that I don't know.

Q Do you know whether James Ryan had any children or not? A Yes, sir.

Q What are their names? A He had one named Ed, and I am not able to give the names of but a few of them; you want me to call babe. He had two daughters, one is named Laura Ryan and the other is named Ella Spencer.

Examination by the Commission.

Q I want to ask you a question as to whether Elizabeth Ryan whose maiden name was Elizabeth Walker, your father's mother, complied or attempted to comply in any way with the provisions of article fourteen of the treaty of 1830; I am not speaking of John Walker now but Elizabeth Ryan his daughter; whether she complied or attempted to comply with the provisions of article fourteen of the treaty of 1830; if you know whether she did or did not? A I can't answer the question.

Q Do you know whether she owned any land or claimed any land in Mississippi or Alabama, particularly in Alabama, under article fourteen of the treaty of 1830? A Only through the records.

Q Do you know whether she had any land there herself; whether she herself received land? A Individually?

Q Yes; as a member of the Choctaw tribe of Indians and claimed it under article fourteen? A Well we have a record that he did for her.

Q Well John Walker was her father; I am talking about Elizabeth Ryan A No, sir; I don't know.

Q You have no knowledge as to whether she herself, individually, in any way complied with article fourteen of the treaty of 1830? A No, sir.

Q I asked you these questions for the reason that you stated that she was living in the old Choctaw Nation in 1830 and had a family of children there at that time? A Yes, sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; she has gray eyes; nearly black hair.

Q You don't speak the Choctaw language? A No, sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q You claim through the same ancestor through whom Alberta W. Gaines claims? A Yes, sir.

Q What relation is she to you? A Second cousin.

Q She has made application to be identified as a Mississippi Choctaw? A Yes; she told me she did.

Q You want to have her case and the cases of all other relatives of yours who have made application or may hereafter make application consolidated under one head that of Alberta W. Gaines? A Yes, sir.

The case of Alberta W. Gaines, M.C.R. 4639 is here referred to for the purpose of consolidation.

Q Can you tell the name of the grandmother of Alberta W. Gaines? A I am not sure but I am under the impression that it was either Francis Elizabeth or it was probably Mary Francis Elizabeth.

Q Do you know whether she was a sister to your grandmother; your father's mother Elizabeth? A No.

Q She was the grandmother of Alberta W. Gaines was she not? A Yes, sir.

Q Now was she a sister of your father's mother? A No; she was a mother of hers; John Walker's wife is my great grandmother; my father's grandmother.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

G. Rosenwinkel
[Signature]
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 5, 1902.

In the matter of the application for identification as a
Mississippi Choctaw of Mary E. Dawson, M.C.R. 5772.

Frank M. Bailey attorney for applicant.

Mary E. Dawson, recalled, testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Dawson.
Q How old are you? A Forty-four years old.
Q What is your post office address? A Ninnekah, Indian Territory.
Q What is your maiden name? A Mary Ryan.
Q You are appearing before the Commission to the Five Civilized Tribes at this time as an applicant for identification as a Mississippi Choctaw, are you? A Yes, sir.
Q Have you ever been recognized by the Choctaw tribal authorities in Indian Territory as a citizen of that Nation? A Yes, sir.
Q Ever draw any money as a citizen of the Choctaw tribe of Indians? A No, sir.
Q When were you first recognized as a citizen by the Choctaw tribal authorities? A I won't undertake to give the year because I don't believe I can do it.
Q Been recently? A No, sir; it has been about six years ago; I won't say now that it is over or under six years but something near that.

The name of the applicant appears upon the 1896 census roll of citizens of the Choctaw Nation, page 88, number 3671, as Mary Ryan Dawson.

- Q Did you obtain any act or certificate of admission from the Choctaw Council, or any other authority, citizenship Commissions, recognizing your rights as a citizen? A Yes, sir.
Q Got that with you? A Yes, sir.
Q Let me have it please? A--

Applicant here offers in evidence a certificate for the enrollment of herself and her husband Dan Dawson as citizens of the Choctaw Nation, the same being dated January 6, 1897, and signed by S. J. Homer, National Secretary.

- Q Were you ever recognized in any manner by the tribal authority of the Choctaw Nation as a citizen of that tribe prior to this admission January 6, 1897, by the Revisory Board? A No, sir.

Witness excused.

Andrew Jackson Ryan called as a witness testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew Jackson Ryan.

#2

- Q How old are you? A Forty years.
Q What is your post office address? A Ada, Indian Territory.
Q Are you a brother of the applicant Mary Elizabeth Dawson? A Yes, sir.
Q Did you have charge of her citizenship application? A Yes, sir.
Q To the Choctaw tribal authorities? A Yes, sir.
Q When was that application first made? A I think it was in November.
Q What year? A Ninety-six.
Q To whom was it made? A To the Board of Commissioners of the Choctaw Nation.
Q What action was taken by that board at that time? A No action only it was just passed over until they was to meet at Tuska-homa.
Q When were they to meet at Tuskahoma? A I don't know when they was to meet; I think the first of January.
Q Did you go before them there? A Yes; I went before them.
Q You submitted the application? A Yes, sir.
Q For the recognition of Mary Ryan Dawson at that time? A Yes, sir.
Q Was she enrolled by the Revisory Board January 6, 1897? A My attorney did this.
Q Had your sister ever been recognized by the tribal authorities as a citizen of the Choctaw tribe prior to that time? A No, sir; not that I know of.
Q Never received any payments of money? A No, sir.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

Clara Mitchell
Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5772.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Mary Francis Ann Elisabeth Ryan Dawson,

Winnokah, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elisabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogan, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED)

James D. Dwyer

Chairman.

Register.

MCR-5772.

Muskogee, Indian Territory, March 16, 1907.

Mary Elizabeth Dawson,
Winnegah, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Mary Elizabeth Dawson,

Age 44 — Blood 1/16

Post-Office, Minnetakah, S. T.,

Father: John Sieford Ryan, d.

Mother: Elizabeth " l.

Claims through father —
husbands
H. H. Dawson, l. w.No claim for
husband

Children:

claim for self
alone

Stenographer G. Rosenmiller

Choctaw MCR 5773

Andrew J. Ryan

See MCR 4639

MCR 5773

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 5th, 1902.

#5773

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In the matter of the application of Andrew Jackson Ryan for the identification of himself and his five minor children, Oscar, Lennie, Clyde, Nellie and Dora Ryan, as Mississippi Choctaws.

Frank M. Bailey attorney for applicant.

Andrew Jackson Ryan being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Andrew Jackson Ryan.
Q What is your age? A Forty.
Q What is your post office address? A Ada.
Q Indian Territory? A Yes sir.
Q How long have you lived at Ada? A Four years.
Q Where did you live before that? A Ryan, Indian Territory.
Q How long have you lived in the Territory altogether? A I couldn't say just how long.
Q Ten or fifteen years? A Yes sir, somewhere between twenty and thirty years.
Q Where were you born? A Mississippi.
Q What place in Mississippi? A I don't know.
Q How long did you live in Mississippi? A I don't know.
Q Where did you go to from Mississippi? A Arkansas.
Q And you lived there until you went to the Territory? A Yes sir.
Q Where did you live in Arkansas? A Near Hot Springs.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q What was his name? A John Gilford Ryan.
Q What is your mother's name? A Elizabeth Ryan.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Dora Ryan.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q You make no claim for her? A No sir.

#2.

- Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Yes sir.
- Q How many? A Five.
- Q What is the name of the oldest? A Oscar.
- Q Oscar Ryan? A Yes sir.
- Q How old is he? A Thirteen.
- Q What is the name of the next? A Lennie.
- Q Is that a boy? A No sir, it's a girl.
- Q How old? A Eleven years old.
- Q The next? A Clyde.
- Q Boy? A Yes sir.
- Q How old? A Eight years old.
- Q The next? A Is Nellie Ryan.
- Q How old? A Six years old.
- Q Next? A Dora, three years old.
- Q Is that all? A Yes sir.
- Q Is Dora Ryan the mother of these children? A Yessir.
- Q Are you and she living together as husband and wife and the children living with you at your home? A Yes sir.
- Q Were you or she married before you married each other? A No sir.
- Q When and where were you married to your wife Dora? A I was married the 23rd day of December---it will be fourteen years ago last December 22nd.
- Q Have you the proof of the marriage with you? A No sir.
- Q Is your name on any of the tribal rolls, together with your children, in the Choctaw Nation, Indian Territory? A I don't know whether they are or not; they have been.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Yes sir, I have been before the Board.
- Q Choctaw Committee or tribal authorities? A Yes sir.
- Q Personally? A Yes sir.
- Q When did you go before them? A '96.
- Q Where was it? A Tuskahoma.
- Q What action was taken with reference to the application made by yourself at that time for yourself and children? A Why, they was---they examined some proof we had.
- Q What was done, were you accepted or rejected? A Accepted.
- Q Well are you a member now of the Choctaw tribe of Indians? A I understand that I am not.
- Q How do you know that? A I don't know it for sure but am under the impression---

The name of applicant and his first four minor children appear upon the Census Roll of the Choctaw Nation submitted by the Choctaw tribal authorities to the Commission to the Five Civilized Tribes and designated as the Choctaw Census Roll of 1896, as follows:

Andrew J. Ryan	page 285	No. 11,076
Oscar Ryan	page 285	No. 11,079
Lennie Ryan	page 285	No. 11,080
Clyde Ryan	page 285	No. 11,081
Nellie Ryan	page 285	No. 11,082.

#3.

- Q You state, Mr. Ryan, that you and your children were admitted to citizenship in the Choctaw Nation by the Choctaw Revisory Board I believe? A Yes sir.
- Q When was that admission? A Why, it was the 6th or 7th of January, 1897; I am not positive, either the 6th or 7th.
- Q When did you first apply to that Commission to have the names of yourself and children placed upon the Choctaw tribal rolls? A I think it was November, '96; I don't know what date it was.
- Q Was any action taken at the time you submitted that application? A No sir.
- Q Where did you apply? A At Ateka.
- Q Did they accept your application at that time? A In November? Yes sir? A Yes sir, I suppose they did.
- Q Well, your application was in the form of a written petition was it not? A Why, yes sir; a lawyer he---I think he had it in a form; I think he did---in a written form.
- Q Well the Commission that was at that time at Ateka, did they act on that petition at all? A Well, I couldn't say definitely.
- Q Well, you understand that--at least you state that at that time there was a Commission sitting at Ateka to pass on these cases, to make a roll, and you presented your petition to that Commission there? A My lawyer did.
- Q Well did that Commission take any action on your petition? A I couldn't say whether they did or not; my lawyer attended to the business and he informed us that they would hear cases when they met at Tuskahema.
- Q Well that Commission that was at Ateka didn't pass on the case at all? A No sir.
- Q Wasn't passed on until January, 1897, when the Revisory Board met at Tuskahema? A Yes sir.
- Q What was the first recognition of yourself and children for citizenship, when the Revisory Board passed on that petition? A Yes sir.
- Q Have you got a certificate from the Revisory Board enrolling yourself and children as citizens? A I have it, but it is at home.
- Q When was that certificate dated? A It was dated just the same as these was.
- Q January 6th, 1897? A Yes sir.
- Q Have you ever prior to that enrollment in 1897 ever drawn any money for yourself or your children or ever been recognized in any manner by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission to be identified together with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Why, I don't thoroughly understand it.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of that treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was

#4.

signed it became known that a good many Chectaw Indians would not go to the Chectaw Nation, Indian Territory, and in order to protect the interests of those people--those Indians who stayed back in the old Chectaw Nation article fourteen was put into the treaty. That article reads as follows:

"Each Chectaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Chectaw citizen but if they ever remove are not entitled to any portion of the Chectaw annuity."

- Q Did any of your Chectaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty?
- A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Chectaw? A John Walker.
- Q What relation was he to you? A I believe he was my great-grandfather.
- Q Did he have any Chectaw blood? A I understand that he didn't.
- Q Did his wife have any Chectaw blood? A Yes sir.
- Q What was her name? A Name was Elizabeth Walker, at least that's my understanding.
- Q How much Chectaw blood did she have? A I think she claimed half blood; I am not sure.
- Q You claim through your father John Gilford Ryan? A Yes sir.
- Q Did he claim through his father or mother? A He claimed through his mother.
- Q What was her name? A Elizabeth Ryan.
- Q What was her maiden name? A I think her name was Elizabeth Walker.
- Q And was she the daughter of John Walker? A That's the supposition.
- Q And was her mother's name also Elizabeth? A That's the way I understand it.
- Q How did Elizabeth Walker who married Ryan---what was the name of her husband? A Jason Ryan.
- Q Do you know whether Jason Ryan and his wife Elizabeth Ryan lived in the old Chectaw Nation in Mississippi or Alabama? A No sir.

#5.

- Q You never heard whether they lived in either state? A I have heard, but of course I can't remember.
- Q Do you know whether she, Elizabeth Ryan, or her father John Walker, either of them, lived in the old Choctaw Nation either in Mississippi or Alabama and whether either of them were heads of families there then? A Nothing only from hearsay.
- Q Is that hearsay what you have gotten from members of the family? A Yes sir.
- Q What have you heard about it? A I have heard that they was Indians and that they were our relatives.
- Q And whether or not they lived in the old Choctaw Nation, what did you hear about that? A Well, sir, I couldn't give you any explanation on that because I don't remember.
- Q Did any of your Choctaw ancestors, either Elizabeth Ryan or her father John Walker, or any other, own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did either of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, who had an Agency in Mississippi at that time, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names were not placed upon Colonel Ward's list known as Ward's Register. Because he refused to put them on that list this caused so many complaints among the Indians because of this action; this caused the Choctaw Indians to lose their land which they had in the old Choctaw Nation. A Commission was appointed, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose, and this Commission went to Mississippi also and heard claimants under article fourteen of the treaty of 1830. This latter act was passed according to an act approved August 23, 1842.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Why, no, not only through hearsay.

#3.

- Q Well, have you heard that any of your ancestors went before either of these two Commissions? A Well, I don't know; I never heard that they ever went before---
Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas?
A I don't know.

This scrip was issued to Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Who is Alberta W. Gains; how related to you? A I understand she's our second cousin.
Q She claims through the same common ancestor as you? A Yes sir.
Q Do you want to have her case consolidated with yours in order that you get the benefit of what she has testified to?
A Yes sir.
Q You want the cases of all other relatives who claim through the same common ancestor consolidated with your application?
A Yes sir.
Q Do you speak the Choctaw language? A I do not.
Q Have you any other evidence you want to introduce now?
A No sir.
Q Do you want any time in which to introduce other testimony?
A Yes sir.

Thirty days time is allowed this applicant in which to introduce other proof, if he desires, in support of his application.

The case of Alberta W. Gains, M C R 4639, is here referred to for the purpose of consolidation of this case.

By the Attorney:

- Q How long have you lived in the Territory, Mr. Ryan? A I don't know, between twenty and thirty years; I don't know positively.
Q Did your father move here when you did? A Yes sir.
Q Did you ever hear him say for what purpose he moved to the Indian Territory? A Why, yes sir, I think I have.
Q Well, tell why? A I think I heard mother say that he aimed to prove his citizenship as an Indian.
Q Do you know whether or not your father purchased or arranged for lands in this Territory on his removal to this Territory?
A No sir, I don't know anything about that.
Q What was your father's name? A John Gilford Ryan.
Q What was his mother's name? A Elizabeth Ryan.
Q And what was her father's name? A I think it was John Walker; that's the way I understand it.
Q And you claim through him your rights as a Mississippi Choctaw do you? A Yes sir.

#7.

#7.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; bluish gray eyes; dark brown hair, almost black, but lighter brown mustache; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 8th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27 day of June, 1902.

John W. Wood
Notary Public.

M O R 4639
M O R 5773

Muskogee, Indian Territory, August 5, 1903.

Holding & Bailey,

Attorneys at Law,

Wichita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing receipt for copies of testimony mailed you the 28th ult. You ask for additional time in which to furnish certain documentary evidence in support of the claims of the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al.; and for a copy of the testimony given by Andrew J. Ryan in the matter of the application made by him for the identification of himself and his minor children as Mississippi Choctaws.

A copy of the testimony of Andrew J. Ryan is herewith enclosed you, receipt of which please acknowledge.

You are advised that an extension of time up to and inclusive of August 31, 1903, is hereby granted to the applicants in this consolidated case within which to furnish additional evidence in support of their claims.

Yours truly,

Acting Chairman.

Enc. B.I. 133.

7773
COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

Andrew J. Ryan,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself and your children, Oscar, Lennie, Clyde and Nellie Ryan, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5773.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Andrew Jackson Ryan,

Ada, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooley, Clarence A. Dooley, Roy C. Dooley, William B. Dooley, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Fame Diney.

Chairman.

Register.

MCR-5773.

Muskogee, Indian Territory, March 16, 1907.

Andrew J. Ryan,
Ada, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Andrew J. Ryan.

Age 40 - Blood 1/16

Post-Office, Ada, I. T. —

Father: John Gilford Ryan, d.

Mother: Elizabeth l.

Claims through father —
 wife — Clara Ryan, l, w.
 No claim for ~~land~~

Children:

Oscar Ryan, — —	13
Lennie " F.	11
Clara " M	8
Kellie "	6
Kora "	3

Claim for self
 and children.

Stenographer A. L. McNeenan -

Choctaw MCR 5774

Laura L. Ryan

See MCR 4639

MCR 5774

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 5th, 1902.

#5774

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In the matter of the application of Laura L. Ryan for the identification of herself and her two minor children, Walter Hubert and Charles Everett Ryan, as Mississippi Choctaws.

Frank M. Bailey attorney for applicant.

Laura L. Ryan being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Laura L. Ryan.
Q What is your age? A Forty-two.
Q What is your post office address? A Panther, Indian Territory.
Q How long have you lived there? A I moved there in February.
Q Last February? A Yes sir.
Q How long have you lived in the Indian Territory altogether?
A Ten years.
Q Where did you live before you lived in the Territory? A I lived two years in Texas.
Q And then where? A Indian Territory.
Q Before you lived in Texas where? A Mississippi.
Q Where in Mississippi? A Calhoun County.
Q Were you born in Mississippi? A Yes sir.
Q And lived there until you went to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Ryan---James Gillisen Ryan.
Q What is your mother's name? A Mary Ann.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A Claim about a sixteenth I reckon.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory?
A Not that I know of.
Q Do you know when and where your father and mother were married?
A They were married in Mississippi.
Q Do you know when and where, what place and what date?
A They were married in '58 I believe.
Q What day of the month? A Sometime in May---May the 20th.
Q By a minister under a license? A Yes sir.
Q Have you the proof of that marriage with you now?
A No sir, I haven't.

#2.

- Q Are you married? A Yes sir.
Q What is your husband's name? A John Ryan.
Q Is he living? A Yes sir.
Q Is he a white man or an Indian? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for?
A Two.
Q What is the name of the oldest? A Walter Hubert.
Q How old is he? A He's seventeen.
Q What is the name of the next? A Charles Everett.
Q How old is he? A Seventeen months.
Q You make application for these two children do you, and yourself? A Yes sir.
Q Is John Ryan the father of these two children? A Yes sir?
Q Are you and your children living together with your husband at his home? A Yes sir.
Q Is your name or the name of your eldest son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children? A No sir, not before this.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, for yourself and children?
A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your children either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q This is your first application that you have ever made for yourself and children of any kind for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I don't know as I understand it or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was made on the 27th day of September of that year and was made for the purpose of removing all of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaws would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of

one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A I think I do.
- Q Do you know if any of your ancestors complied or in any way attempted to comply with article fourteen of the treaty of 1830?
- A No sir, I don't; I don't know anything about that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Walker.
- Q What is the full name? A Elizabeth Walker; that was my grandmother's name.
- Q That was your father's mother? A Yes sir.
- Q Well who did she marry? A My father's mother?
- Q Yes, who did Elizabeth Walker marry? A She married Jason Ryan.
- Q Did she live in the old Choctaw Nation in 1830? A Well, I don't know.
- Q Did you ever hear whether she lived in Mississippi or Alabama in the old Choctaw Nation? A That was my father's mother that you were speaking of now?
- Q Yes? A I heard she lived in Alabama.
- Q Alabama? A Yes sir.
- Q In 1830? A I don't know whether she lived there at that time or not.
- Q Well you heard Mary Elizabeth Dawson testify didn't you?
- A Yes sir.
- Q And you heard her say that her father was born in 1832?
- A Yes sir.
- Q Well now do you know anything about her father having an elder brother? A Well, my father was her----
- Q Your father's name is James Gillison Ryan? A Yes sir.
- Q And her father's name is was John Gilford Ryan; is that right?
- A Yes sir.
- Q John Gilford Ryan is her father? A Yes sir.
- Q And they were brothers? A Yes sir.
- Q And John Gilford Ryan you heard her testify was born in the old Choctaw Nation in Alabama in 1832? A Yes sir.
- Q And your father was how much older than her father; he was an elder brother; how much older? A Her father was born in '22 did you say?
- Q No, in '32 she testified; you have already testified that your father was older than her father; how much older? A Well, my father was born in '21.

#4.

- Q Was he born in Alabama? A I think so.
- Q He was born then in the same county where her father was born.
- Q Well, your father was born in Alabama in 1820 or 1821?
- A 1821.
- Q And her father--your father's brother--was born there in 1832?
- A 1822.
- Q She said '32? A Well I didn't say.
- Q Well then isn't Elizabeth Walker or Ryan, as she afterward married J. C. Ryan, the ancestor through whom you claim your right to be identified as a Mississippi Choctaw who lived in the old Choctaw Nation in 1830 and had a family there then? A Is she the one that lived there?
- Q Yes, is she not the Choctaw ancestor who lived in the old Choctaw Nation in 1830 and had a family there then? A Well, was my father's mother----
- Q Well it does seem to me that you could answer some of my questions; I am talking about your ancestor and I know it is put plain enough for you to understand it; who was Elizabeth Walker that you are claiming through; who was she; let's find out who she was; your father's mother wasn't she? A Yes sir.
- Q Well that makes her your grandmother; we will make it so simple I think you will understand what we are driving at; she lived in the old Choctaw Nation in Alabama in 1822, because your father was born there, so you testified, and she must have been living there wasn't she? A Yes sir.
- Q Very well; now didn't she continue to live there down until the year 1832 when your father's younger brother was born; his name was John Gilford Ryan? A I guess she was living there then.
- Q Then if she lived in the old Choctaw Nation in Alabama from the time your father was born in 1822 right down through for ten years when in 1832 your father's brother John Gilford Ryan was born, wasn't she living in the Choctaw Nation all that time, so that she was living there in 1830, don't you suppose she was; in other words, she continued to live there all the time didn't she? A Yes sir, I reckon she lived there from the time my father was born.
- Q Now then, she, Elizabeth Walker, lived in the old Choctaw Nation in Alabama in 1830 and had a family there then didn't she?
- A Yes sir, she had a family.
- Q Had a family there in 1830 didn't she; are you afraid to answer, or what is the matter with you? A No, I am not afraid.
- Q Well why don't you answer? A Well, she had a family there in 1830, is that what you wanted me to answer?
- Q Yes, that's exactly what I wanted you to say if it's true?
- A I don't know that it is true.
- Q Well do you think Elizabeth Ryan had a child there in that part of the Choctaw Nation in Alabama in 1822 and then moved off there somewhere else and moved back there in 1830 and had another? A She could have done it.
- Q I know she could, but did she? A I don't know.
- Q Now, do you know whether she claimed through her father or mother? A Elizabeth Ryan?
- Q Yes? A She claimed through her mother.
- Q What was her mother's name? A Her mother's name was Walker.
- Q Who did she marry? A Her mother?

#5.

- Q Yes, her mother; I am asking about her mother? A Her mother married a Walker.
- Q What relation is John Walker to you; was there a John Walker in your family back there somewhere? A He was a grandfather.
- Q Whose grandfather? A He was my father's grandfather--let me see--he was my father's great-grandfather.
- Q What relation are you to Mary Elizabeth Dawson? Are you a sister? A No sir.
- Q What relation? A Cousin.
- Q First cousin? A Yes sir.
- Q She said John Walker was her great-grandfather? A He's my great-grandfather.
- Q Same relation to you as he was to Mary Elizabeth Dawson? A Yes sir.
- Q Well then he must have been Elizabeth Walker's father; that would make him great-grandfather to you because Elizabeth Walker is your grandmother; do you know anything about it? No answer.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen? A Well, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1835 and 1838? A I can't tell you.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know; I don't know anything about that.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His neglect to do this caused a good many Indians who had land in Mississippi, upon which they had improvements, to lose both, for they were taken from them by the government and sold. This caused so many complaints among the Choctaw Indians that in 1837, as well as in 1842, by various acts of Congress, Commissions were appointed to go to Mississippi and hear these claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which

#6.

they had formerly held in the old Choctaw Nation and which the government had taken from them, do you know? A No sir, I don't know.

This scrip was issued to them under an act of Congress approved August 23, 1842.

- Q Did Elizabeth Walker, your father's mother, I mean now Elizabeth Walker who married Jason Ryan, comply or attempt to comply in any way with the provisions of article fourteen of the treaty of 1830? A I cant tell you.
- Q Did she claim any land or own any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know about that.
- Q Can you give the name of any of your ancestors who did comply or attempt to comply with article fourteen of that treaty?
- A Give any name?
- Q Of any ancestors who complied with article fourteen of that treaty? A No answer.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any other evidence you want to introduce at this time?
- A No sir.

By the attorney:

- Q What is the full name Mrs. Ryan? A Laura L. Ryan.
- Q What is your father's name? A James Gillison Ryan.
- Q He had a brother? A Yes sir.
- Q What was his name? A John Gilford Ryan.
- Q What relation are you, if any, to James Ryan and Mrs. Mary E. Dawson? A Cousins.
- Q What relation are you, if any, to Mrs. Spencer and J. T. Ryan?
- A Mrs. Spencer is my sister and J. T. Ryan is my brother.
- Q What relation are you to Goulsby Walker? A Goulsby Walker was my great-uncle.
- Q What relation are you to Mrs. Alberta W. Gains? A Cousin.
- Q What was the name of your grandfather on your father's side?
- A Jason Ryan.
- Q What is his wife's name? A Elizabeth.
- Q What was the name of Jason Ryan's wife's father? A Walker.
- Q How do you know these facts Mrs. Ryan in regard to this family history? A Well, I have been told by relatives.
- Q Your mother is living? A Yes sir.
- Q Has she ever talked with you regarding these facts? A Well, she has talked some about it.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium light complexion; dark brown hair; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article four teen of the treaty of 1830.

#7.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 8th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27 day of June, 1902.

Charles H. Wood
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Alice Gardner, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of:-

Alice Gardner, et al.,	M.C.R. 5574
Samuel H. Hunt, et al.,	M.C.R. 4702
William F. Hunt, et al.,	M.C.R. 4815
Hezekiah B. Hunt, et al.,	M.C.R. 4816
Virginia Jumper, et al.,	M.C.R. 4817
John W. Jumper, et al.,	M.C.R. 4818
Jennie I. Miller,	M.C.R. 5575
Cassie Bates, et al.,	M.C.R. 5576
Minnie Smith,	M.C.R. 5577
John M. Smith,	M.C.R. 5578
James G. Smith,	M.C.R. 5579
Nancy Yocum, et al.,	M.C.R. 5580
Philip Jumper, et al.,	M.C.R. 5593
William C. Furtick, et al.,	M.C.R. 5871
Tandy L. Caver,	M.C.R. 5872
Thomas S. Smith, et al.,	M.C.R. 5882
John E. Everett, et al.,	M.C.R. 5883
Ella Lewis, et al.,	M.C.R. 5884
Willie Drewry,	M.C.R. 5885
Charles J. Smith,	M.C.R. 5886
Mary Jones, et al.,	M.C.R. 5898
Will Yocum,	M.C.R. 5899
John Yocom,	M.C.R. 5900
William W. Furtick,	M.C.R. 6069
Jefferson D. Furtick, et al.,	M.C.R. 6070
Frank M. Furtick, et al.,	M.C.R. 6071
Sallie Dearing, et al.,	M.C.R. 6072
Eliza Michael, et al.,	M.C.R. 6073
William A. Jumper,	M.C.R. 6074
George A. Jumper, et al.,	M.C.R. 6075
James A. Yates, et al.,	M.C.R. 6076
Bill E. Yates, et al.,	M.C.R. 6077
Frank Jumper,	M.C.R. 6236
George Jumper, et al.,	M.C.R. 6237
Moses Jumper,	M.C.R. 6320
Bettie Cheves, et al.,	M.C.R. 6321
George A. Everett,	

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Miss. Chee. 5574

Muskogee, Indian Territory, July 18, 1908.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory,
Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, wherein you ask for an extension of time for the purpose of procuring additional evidence in Mississippi Cheetaw case No. 5574, Alice Gardner and family, and the cases consolidated therewith.

In reply you are advised that in compliance with your request you will be allowed thirty days from the date hereof, in which to introduce additional testimony in the Mississippi Cheetaw cases embraced in the consolidated case of Alice Gardner, et al.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 18, 1902.

Messrs. Thomas & Harrison,
Attorneys at law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 15, in which you ask that you be allowed until October 1, 1902, in which to introduce additional testimony in the consolidated Mississippi Choctaw case, W.C.R. 554, Alice Gardner et al.

In compliance with your request you are hereby notified that you will be allowed until October 1, 1902, within which time to introduce additional testimony in support of this case.

Yours truly,

Acting Chairman.

MUSKOGEE, INDIAN TERRITORY, Sept. 5, 1902

TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee,

Indian Territory.

Gentlemen:-

In compliance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, we enclose application and affidavit of Alice Gardner for commission to take depositions M. C. R. #5574 et al, accompanied by served summons, on which service has been accepted by Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, also the acceptance of service of three copies of the interrogatories filed herein; and we also enclose herein three copies of the interrogatories filed herein, and we respectfully ask that a commission to take depositions be issued in accordance therewith.

The post office address of John Hicks, the Justice of the Peace mentioned in said notice is Ivey, Prentiss County, Miss.

Respectfully submitted.

Thomas & Harrison
attys.

M.C.R. 5574

Muskogee, Indian Territory, Sept. 15, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed please find a commission to take the deposition of Margaret Cooper to be read in evidence in the application of Alice Gardner, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Attached to said Commission are direct and cross interrogatories and blank caption and certificate.

You will have these documents placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition have same returned to this Commission in order that the applications in which they apply may be brought to a final determination at an early date.

Yours truly,

Acting Chairman

Enclosure
O.E. 71

M.C.R. 5574

Muskogee, Indian Territory, Sept. 15, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed please find a commission to take the deposition of Marion Kitchens, to be read in evidence in the application of Alice Gardner, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Attached to said Commission are direct and cross interrogatories and blank caption and certificate.

You will have these documents placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition have same returned to this Commission in order that the application in which they are to apply may be brought to a final determination at an early date.

Yours truly,

Acting Chairman

Enclosure
O.H. 73

Miss. Choctaw 5574.

Muskogee, Indian Territory, October 13, 1902.

Alice Gardner,

Shawnee, Oklahoma,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 8, inclosing evidence of the birth of Charles F. Gardner, infant son of Eli J. Gardner and Alice Gardner, born September 11, 1902, and the affidavits of the mother and the physician in attendance at the birth of the child have been accepted as evidence of his birth and filed with and made a part of the original application of Alice Gardner for identification as a Mississippi Choctaw.

Receipt is also acknowledged of certified copy of Pages 230 to 237, Volume 30, U. S. Land Decisions, which you ask to have filed with the record in your case. The same has been made a part of the record in the case of Alice Gardner, et al., applicants for identification as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

Miss. Choctaw 5574

Muskogee, Indian Territory, October 21, 1902.

Alice Gardner,

Shawnee, Oklahoma,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 17, asking to be supplied with copies of the Atoka Agreement and the supplemental agreement. You also ask if it will be necessary for all applicants for identification as Mississippi Choctaws to remove to Indian Territory within six months from the date of the ratification of the supplemental agreement.

In reply to your letter you are advised that the recent agreement between the United States and the Choctaw and Chickasaw Nations, which was ratified September 25, 1902, provides as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws, entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their identification as Mississippi Choctaws shall be enrolled by said Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

You are an applicant to this Commission for identification

A.G. 2

of yourself and your minor children as Mississippi Choctaws, and your status is that of applicants whose claims have in no manner, been passed upon or determined. It is not believed that the benefits of this legislation would accrue to applicants until they have been identified by this Commission as Mississippi Choctaws entitled to allotment, and you are not at this time entitled in any manner to possessory rights of the tribal property of the Choctaws and Chickasaws.

In compliance with your request there are inclosed you herewith a copy of the Curtis Act, which contains the Atoka Agreement, and a copy of the agreement recently entered into between the United States and the Choctaws and Chickasaws which was ratified September 25, 1902.

Respectfully,

Acting Chairman.

C.A.
Supplemental agreement (Choctaw)

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5774.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Laura L. Ryan,

Panther, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, George

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tamm Diney.

Chairman.

Register.

MCR-5774.

Muskogee, Indian Territory, March 16, 1907.

Laura L. Ryan,
Panther, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Lama L. Ryan*Age *42* - Blood *1/16*Post-Office, *Panther, L.P., -*Father: *James Gillen Ryan, d*Mother: *Mary Ann " l*

Claims through *father - -*
husband
John Ryan, l. w.
No claim for husband.

Children:

Walter Hubert Ryan, 17
Charles Everett " 17 m.
 EYERETT

Claims for 2
children and
ref

Stenographer *A. G. McMillan -*

Choctaw MCR 5775

Orlando H. Ryan

See MCR 4639

MCR 5775

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 8th, 1902.

#5775

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In the matter of the application of Orlando H. Ryan for the identification of himself and his two minor children, John Gilford and Dessie Odell Ryan, as Mississippi Choctaws.

Frank M. Bailey attorney for applicant.

Orlando H. Ryan being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Orlando H. Ryan.
Q What is your age? A Thirty-two.
Q What is your post office address? A Ada, Indian Territory.
Q How long have you lived in the Indian Territory? A I think they claim about twenty-seven years.
Q How long in Ada? A I moved down there to Ada the first of last March.
Q Where have you lived most of the time in the Territory? A Ryan.
Q Where did you live before you lived in the Territory? A Arkansas, Hot Springs County I believe.
Q Were you born in Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Gilford Ryan.
Q What is your mother's name? A Elizabeth Ryan.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A I think they claim a sixteenth.
Q Has your father ever been admitted or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory?
A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Can you tell when and where they were married? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Martha.
Q Martha Ryan? A Yes sir.
Q She's living is she? A Yes sir.
Q Is she a Choctaw or a white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for?

#2.

- A Yes sir.
- Q How many? A Two.
- Q What is the name of the oldest? A John Gilford.
- Q How old is he? A Six.
- Q Next? A Dessie Odellia.
- Q How old? A Four years old.
- Q Is Martha Ryan the mother of these children? A Yes sir.
- Q Is your wife and are these children living with you at your home? A Yes sir.
- Q Were either you or your wife married before you married each other? A I was.
- Q Have you any children by any other marriage? A No sir.
- Q Then you simply make application for yourself and two children? A Yes sir.
- Q Have you the proof of the marriage to your wife with you here? A No sir.
- Q Do you remember when and where you were married? A Married in Clay County, Texas.
- Q What date? A I got the date with me.
- Q Have you got the certificate of that marriage with you? A No sir, I think it was September 2nd--let me see--September 2nd, '94.
- Q At what place? A Clay County, Texas.
- Q Can you introduce proof of that marriage later? A Yes sir.
- Q Within a few days? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A They was placed upon the same roll as these other; my oldest one was, the other one wasn't.
- Q Do you know that your name and the name of your oldest child appears upon the 1896 Census Roll of the Choctaw Nation, do you? A Yes sir.
- Q Your youngest child was not born at that time; Dessie Odellia was not born at that time? A No sir.
- Q There is a name which appears upon the 1896 Choctaw Census Roll of the Choctaw Nation, page 285, No. 11,083, Olenda Ryann; is that intended for your name? A I suppose it is.
- Q And beneath it on the same page 285, No. 11,084, is the name of Jno. G. Ryann, one year old; is that the John Gilford whose name you give here as your son? A I believe it is, yes sir.
- Q In what manner did your name and the name of your son John G. Ryan become placed upon these tribal rolls of the Choctaw Nation how did this thing happen? A Just same as these others.
- Q But you will have to state how it was? A We applied before that Commission.
- Q What Commission was that? A There was a Board-----
- Q Revisory Board of the Choctaw Nation? A Yes sir.
- Q Did you appear before the Revisory Board of the Choctaw Nation? A No sir, I didn't in person.
- Q Well, application was made for you by whom? A Mr. Telle.
- Q A. Telle? A Yes sir.
- Q He was your attorney? A Yes sir.
- Q He lives at Atoka doesn't he? A Yes sir.
- Q Do you know who comprised that Board? A I did know and we had a certificate from them, but I have forgotten their names; I think one of them was Durant; I can't call the other two.

#3.

- Q When was that application made by you or your attorney for enrollment to that Board? A I think the application was made in 1896.
- Q What time in '96? A November, I think.
- Q Have you that certificate with you? A Yes sir.
- Q This certificate which you received from the Board of Chief Commissioners of the Choctaw Nation authorized to enroll people as Choctaw citizens is dated January 6, 1897, and signed by S. J. Homer, National Secretary, isn't it? A Yes sir.
- Q This Board then in its action in attempting to enroll you and your children as members of the Choctaw tribe of Indians acted after the expiration of the time fixed by law by the act of June 10, 1896, did it not? A Why, that's the way we understand it, yes sir.

The act of June 10, 1896, authorized the Commission to enroll members of the Choctaw tribe for three months after June 10, 1896, and upon the expiration of that time there was no authority by law for the enrollment of anybody as Choctaw Indians either by the Dawes Commission or the Choctaw tribal authorities.

The certificate presented by this applicant which he received from the National Secretary of the Choctaw Nation reads as follows:

"This is to certify that Orlando H. Ryan, his wife Martha Ryan, and their children, John G. Ryan, have been duly enrolled as Choctaws by blood by the Board of Chief Commissioners authorized so to do, and that they are recognized citizens of this Nation. Witness my hand and the seal of the Choctaw Nation this 6th day of January, 1897."

- Q Now Mr. Ryan what do you understand to be your status now in the Choctaw Nation; do you consider that you are a member duly authorized of that Nation with your son John Gilford or not?
- A No sir.
- Q You do not? A No sir.
- Q Relying then upon your right to make application as a Mississippi Choctaw under article fourteen of the treaty of 1830, you come before the Commission at this time basing your sole right to citizenship upon your claim as a Mississippi Choctaw?
- A Yes sir.
- Q You never made personal appearance or application yourself or testified under oath did you before the Revisionary Board of the Choctaw Nation? A No sir.
- Q When and where did they first meet? A They met--I think it was November, '96, at Atoka, Indian Territory, the first time they met.
- Q And then was application made by you for yourself and children by A. Telle at that time? A That was the understanding.
- Q What action was taken on it then? A Nothing only they was to pass on it at Tuskegee.
- Q Later on? A Yes sir.
- Q At what date? A About January 5, 1897.
- Q At Tuskegee? A Yes sir.

#4.

- Q And did A. Telle appear there for you and your son? A Yes sir.
- Q And what action was taken at that time? A They enrolled us.
- Q And you received this certificate? A Yes sir.
- Q Do you now appear before this Commission for the purpose of identifying yourself and two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830?
- A Well, partially.
- Q Do you care to have it read further? A I don't know as I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Walker.
- Q What relation to you was he? A They claim he was our great-grandfather I believe.
- Q Did he have any Choctaw blood? A Not that I know of.
- Q What was he, white man or Indian? A White man.
- Q What was the name of his wife? A I couldn't tell you.
- Q Do you claim through his wife? A Yes sir.
- Q She was your great-grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A I think they claimed half breed.
- Q You claim through which parent, father or mother? A Father.
- Q How old would he be if living now? A Something like seventy I believe.
- Q Where was he born? A I couldn't tell you.
- Q Ever hear he was born in Alabama? A Yes sir, I heard he was.
- Q Have you heard that in the family? A Yes sir.
- Q Do you think he was from what you believe to be true from family history? A Yes sir.
- Q Then he would be born in Alabama seventy two years ago?
- A Yes sir.

#5.

- Q Did he have an elder brother or sister at that time?
A Yes sir.
- Q Do you know whether either one of them were born in the old Choctaw Nation in Alabama? A I don't know it personally.
- Q What you heard in the family? A Yes sir.
- Q What was the name of your father's mother? A Elizabeth Ryan.
- Q Who did she marry, Jason Ryan? A Jason Ryan.
- Q That was your grandfather? A Yes sir.
- Q White man was he, or Indian, which; you say that your father claimed through Elizabeth Ryan his mother; that would indicate that he had Choctaw blood; she had Choctaw blood did she; of course I don't care which it is; you will have to testify to which one was or the other; was it Elizabeth who had the Choctaw blood or Jason? A The way I understand it, I may be wrong, but I think it was Elizabeth Walker.
- Q Jason is your grandfather, did he have Choctaw blood?
A That's the way I understand it.
- Q Well, it has been testified here by several that Elizabeth Ryan the daughter of Jehn Walker and his wife, had Choctaw blood; what do you say about that; some have testified that Jason was a white man; what do you think about it? No answer.
- Q Well, Elizabeth Ryan your father's mother was the daughter of Jehn Walker wasn't she, or was she? A I guess she was.
- Q Well do you know whether she was? A I couldn't testify to anything only just through hearsay.
- Q I want to know what you have heard in the family? A I think the Indian blood was through my grandmother.
- Q That would be Elizabeth Ryan wouldn't it? A Yes sir.
- Q Now you said Jason had the Choctaw blood? A Well, I want to correct that mistake; I think I got a little bit bothered over that; they have all got so near the same name.
- Q Well now did Elizabeth Ryan and her husband Jason live in Alabama in 1830 and was she the head of a family there then? A I suppose so.
- Q That's your understanding from family history and tradition?
A Yes sir.
- Q Did she own any land or claim any land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did she own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did she claim or own any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I couldn't say.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did you ever hear that any ancestors of Elizabeth Ryan's complied with or received any benefits under article fourteen of the treaty of 1830? A No sir, not that I know of.
- Q Do you know whether Elizabeth Ryan claimed her Choctaw blood through her father or mother? A No, I don't.

#6.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become a citizen of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who held land in Mississippi upon which they had improvements to lose both the land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas?
- A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842, and was issued only to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that they had land formerly in the old Choctaw Nation which the government had taken from them and sold.

- Q Who is Alberta W. Gains? A Why, they claim she is a second cousin of ours.
- Q She claims through the same common ancestor through whom you claim? A Yes sir.
- Q Do you want to have her case consolidated with yours and also that of all other relatives of yours claiming through the same common ancestor? A Yes sir.

Case of Alberta W. Gains et al., M C R 4639, is here referred to for the purpose of consolidation.

- Q Do you understand the Choctaw language? A No sir.
- Q Do you want any time in which to introduce other testimony?
- A Yes sir.

Thirty days time is allowed this applicant in which to introduce further proof if he desires to do so in support of this application.

#7.

By the attorney:

- Q Mr. Ryan how long have you lived in the Territory? A I think mother says twenty-seven years.
- Q Did you ever hear, Mr. Ryan, for what purpose or the reason why your father moved to the Territory? A Yes sir, it was to establish his rights.
- Q To establish his rights? A Yes sir.
- Q When did you say your father was born? A I don't remember saying, but I think he would be about seventy years old now if he had lived.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; brown hair; light brown mustache; his complexion is dark, but he is now somewhat tanned from exposure to the sun; he doesn't understand the Ghostaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 5th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27 day of June, 1902.

Clara Mitchell Wood
Notary Public.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5775.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Orlando H. Ryan,

Ada, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
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William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James D. Dwyer,
Chairman.

Register.

M C R 5775

Muskogee, Indian Territory, September 6, 1906.

O. H. Ryan,

Ryan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 10, 1906, stating that you are an applicant for citizenship in the Chickasaw Nation and desire to know what action, if any, has been taken in your case.

In reply to your letter you are informed it appears from the records of this office that you are one of the parties applicant in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al. The record in this case, together with the adverse decision of the Commission to the Five Civilized Tribes of May 15, 1903, was forwarded to the Secretary of the Interior June 1, 1903, where said case is still pending. When Departmental action is taken thereon you will be duly notified.

Respectfully,

Acting Commissioner.

M.C.R. 5775.

Muskogee, Indian Territory, September 26, 1906.

O. H. Ryan,

Ryan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 9, 1906, be reference from the Secretary of the Interior. Therein you request to be advised if you would be protected by law as to your improvements on certain land in the event that your case is decided against you.

In reply to your letter you are advised that the question submitted by you is one upon which this office can render you no opinion, it being a matter which does not come within the jurisdiction of the Commissioner to the Five Civilized Tribes.

However, if you so desire, you may, in person or by petition, designate to the Choctaw or Chickasaw Land Office the lands upon which you and your children are the owners of valuable and substantial improvements, and which you anticipate selecting in allotment in the event that you are finally enrolled as citizens of the Choctaw Nation or identified as Mississippi Choctaws.

Respectfully,

Commissioner.

MCR-5775.

Muskogee, Indian Territory, March 16, 1907.

Orlando H. Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Orlando H. Ryan,*Age *32 -* Blood *1/16*Post-Office, *Ada, I. T. -*Father: *John Gifford Ryan, d*Mother: *Elizabeth Ryan, l.*

Claims through *father - -*
wife - Martha Ryan, l. w.
No claim for wife -

Children:

*John Gifford Ryan, 6**Kenie Odessa " 4*

Claims for self &
children

Stenographer *A. L. McMillan*

Choctaw MCR 5776

Sarah E. Spencer

See MCR 4639

MCR 5776

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 8th, 1902.

#5776

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In the matter of the application of Sarah E. Spencer for the identification of herself and her five minor children, Sylvester B., Eunice M., Robert A., Elsie B. and Mary G. Spencer, as Mississippi Choctaws.

Frank M. Bailey Attorney for applicant.

Sarah E. Spencer being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah E. Spencer.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Panther, Indian Territory
Q How long have you lived in the Indian Territory? A Ever since November.
Q Indian Territory? A Yes sir.
Q The whole Territory; how long have you lived in Panther; the same length of time? A Yes sir.
Q Are you sure you only lived in the Territory since November? A We moved to Shady Point about the 15th of February.
Q Where did you live before you lived in Indian Territory? A Mississippi, Calhoun County.
Q When did you come from Mississippi? A 7th of last November.
Q Then you always lived in Mississippi? A Yes sir.
Q And born there? A Yes sir.
Q Where in Mississippi were you born? A Calhoun County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A James Gillison Ryan.
Q What is your mother's name? A Mary Ann Ryan.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been enrolled or recognized as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir, not that I know of.

#2.

- Q Have you the proof of the marriage of your father and mother with you? A No sir.
- Q You can get it can you? A Yes sir.
- Q Within a reasonable time? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A R. L. Spencer.
- Q Is he living? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q You don't make any claim for him then as a Choctaw? A No sir.
- Q Have you any children you want to make application for?
- A Yes sir, I have five.
- Q What is the name of the oldest? A Sylvester D. Spencer, twelve years old.
- Q The next? A Eunice M. Spencer.
- Q How old? A She's ten.
- Q The next? A Robert A. Spencer.
- Q How old? A He's eight.
- Q Next? A Elsie B. Spencer.
- Q How old? A She's six.
- Q The next? A Mary C. Spencer.
- Q How old? A She's three.
- Q Is that all? A Yes sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Is R. L. Spencer the father of these children? A Yes sir.
- Q Are you and he living together and these children living with you at his home? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A No sir.
- Q Is this the first application of any kind you have ever made for enrollment in the Choctaw Nation for yourself and children?
- A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you claim under that article? A Yes sir.
- Q Do you understand that article of that treaty? A I reckon I do.
- Q Do you care to have it explained further? A No sir, I believe not.

The article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now do you not? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well I claim my right to come through my father from his mother and his mother gets it from her mother; I suppose from my great-grandmother.
- Q What is her name? A Well, I don't know what my great-grandmother's name is.
- Q You claim through your father do you not? A Yes sir.
- Q James Gillison Ryan? A Yes sir.
- Q He claimed through who? A His mother.
- Q Elizabeth Ryan? A Yes sir.
- Q You know that to be the claim do you? A Yes sir.
- Q Who did she marry? A Jason Ryan.
- Q Was Jason a white man? A Said to be.
- Q How much Choctaw blood did Elizabeth Ryan have? A Her mother?
- Q He, Elizabeth Ryan? A One-eighth I reckon.
- Q She claimed through who, father or mother? A She claims it through her mother.
- Q What was her mother's name? A I don't know her mother's name.
- Q What was Elizabeth Ryan's maiden name? A Elizabeth Walker.
- Q Then her mother's name would be Walker? A Yes sir.
- Q You don't know her other name? A Don't know her christian name.
- Q What was the name of her husband? A John Walker.
- Q What blood was he? A White man I reckon.
- Q How much Choctaw blood did his wife have? A I heard that she was full blood and then I heard that she was half.
- Q But you say that her daughter was one-eighth? A Well, I don't know what----
- Q If she was one-half Choctaw her daughter would be one-half of that which would be one-fourth? A Yes sir, she would be one-fourth; my father would be one-eighth; and I would be one-sixteenth.
- Q Was Elizabeth Ryan your Choctaw ancestor who lived in the old

#4.

- Chectaw Nation in 1830, that is, who lived in Alabama in the old Chectaw Nation in 1830, and had a family there then?
- A Yes sir, so I have been taught.
- Q She was the head of a family there in 1830? A Yes sir.
- Q Your father's name was James Gillison Ryan? A Yes sir.
- Q He had a brother named John Gilford Ryan? A Yes sir.
- Q John Gilford Ryan was the younger brother? A Yes sir.
- Q It has been testified to that he was born in the old Chectaw Nation in Alabama in 1832? A I understand it so.
- Q When was your father born? A He was born in 1821.
- Q Did your grandmother, Elizabeth Ryan, and your grandfather, Jason, live there in the old Chectaw Nation between those dates?
- A Supposed to, yes sir.
- Q Did any of your Chectaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A I suppose they did.
- Q Who owned the land there in Mississippi in 1830 in the old Chectaw Nation? A My great-grandfather I suppose.
- Q You mean John Walker? A Yes sir.
- Q Where did he get it? A Get his land?
- Q Yes; did he buy it? A I don't know whether he bought it or not; I suppose, though, by his patent----
- Q That he got it from the government? A Yes sir.
- Q What makes you think that your great-grandfather John Walker received land from the government? A Why, by the copy of his patent that we have here.
- Q Do you refer to the patent that was issued by the United States government to one named John Walker for certain land in Mississippi? A Yes sir.
- Q Can you tell where that land was situated? A No sir.
- Q Do you know whether the name of your great-grandfather John Walker appears upon any of the rolls made by Colonel Wm. Ward the United States Indian Agent? A No sir, I do not.
- Q Did you ever see any body in the family that saw the original patent issued to your great-grandfather John Walker?
- A No sir, I never see unless my mother did.
- Q Did she ever? A I don't know whether she ever saw the patent or not.
- Q What became of the patent; if one existed there would be one in the family, or would have been at some time; do you know what became of it? A No sir.
- Q Do you know whether the name of John Walker appears upon the registry list known as Ward's Register? A No sir, I don't know.

Upon page 18 of Volume 1 of the Chectaw Nation against the United States government there is a list known as Ward's Register. This list was made by Colonel Wm. Ward and contains the names of seventy-one heads of families, which is the only authenticated list in existence made by this United States Indian Agent. Upon that list appears the name of one John Walker who had seven children, three under ten years of age, and four over ten years of age. This John Walker appears to be a beneficiary under article fourteen of the treaty of 1830. It further appears that he is a white man having an Indian mixed wife.

#5.

- Q Do you know if this John Walker whose name appears upon the list of Colonel Ward's, is the John Walker who you claim to be your great-grandfather? A No sir, I don't know.
- Q You have no way of now showing that fact? A No sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent Colonel Ward, who had his Agency in Mississippi then, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register, and his failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 a Commission was appointed by an act approved March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. And also in 1842, by an act approved August 23rd of that year, a Commission was appointed for the same purpose, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

These certificates, or scrip as they were then called, were issued to Choctaw Indians under an act of Congress approved August 23, 1842, and were issued to these people only who proved their rights under article fourteen, and also proved that they had lost their land in the old Choctaw Nation because it was taken from them by the government and sold.

- Q What relation is Alberta W. Gains to you? A Second cousin.
- Q Does she claim through the same common ancestor through whom you claim? A Yes sir.
- Q And while you claim your Choctaw blood through John Walker, you claim that his daughter Elizabeth, who married Jason Ryan, is the old Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and had a family there then?
- A Yes sir.
- Q Do you want to have your case consolidated with the case of Alberta W. Gains, M C R 4639? A Yes sir.
- Q And would you like to have the cases of all other relatives considered with yours, claiming through the same common ancestor?
- A Yes sir.

#6.

The application of Alberta W. Gains, M C R 4639, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No sir.
Q Have you any other evidence you want to introduce at the present time? A Not at the present.
Q Do you care for any further time in which to introduce further testimony? A Yes sir.

Thirty days time is allowed this applicant in which to offer further evidence in support of this application.

By the attorney:

- Q Mrs. Spencer did your father have a sister? A Yes sir.
Q What was your aunt's name? A Mary.
Q Do you know what her full name was? A No sir.
Q What relation was your father to John Gilford Ryan?
A Brother.
Q What relation are you to James Ryan and Orlando Ryan?
A Cousin.
Q What relation are you to Mrs. Laura Ryan? A Sister.
Q Did you ever see Galesby C. Walker? A Yes sir.
Q Where did you see him? A At my home.
Q What relation are you to Galesby C. Walker? A My grand-uncle.
Q Did you ever hear, Mrs. Spencer, through older members of your family, or otherwise, that your great-grandmother Walker was part Indian? A Yes sir, I have heard that she was.
Q Did you ever talk with older members of the family who had seen her? A Yes sir.
Q And what did they tell you? A They told me that she was Choctaw Indian.
Q Choctaw Indian? A Yes sir.
Q Did you ever hear that your great-grandmother Walker spoke the Indian dialect? A I never heard that she spoke the dialect.
Q Could she talk the Choctaw language? A I just suppose she did.
Q Do you know, Mrs. Spencer, whether Sumpter County is in Alabama or Mississippi? A I thought it was on the line.
Q You are not sure whether it is in Alabama or Mississippi?
A No sir.
Q Do you know where these lands that it is claimed that your great-grandfather John Walker took were located? A No sir.
Q Do you know whether they was in Mississippi or Alabama?
A I have always been taught that it was in Alabama.
Q In what county? A Sumpter County.
Q Your impression is that Sumpter County is in Alabama?
A Yes sir.
Q It is also your information is it not, Mrs. Spencer, that the Choctaw country embraces that section of county? A Yes sir.
Q Do you know where your great-grandfather Walker died? A No sir.
Q Or where your great-grandmother Walker died? A I have always been taught that she died at Doctor Galesby Walker's—at my uncle's.
Q Do you know whether he lived in Alabama or Mississippi?

#7.

A He lived in Mississippi.

Q Do you know what section of Mississippi? A No sir, I couldn't tell you right now; In the Mississippi bottom; I have forgotten what town.

Q Did you ever hear Golesby Walker say that he was part Indian?

A No sir, I never heard him say.

Q Did you ever hear your mother say that Golesby Walker claimed Indian blood? A No sir, I never heard her say that they did.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue-gray eyes; she has brown hair; medium fair complexion; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Albert S. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 8th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert S. McMillan

Subscribed and sworn to before me this 22 day of June, 1902.

Carroll H. Wood
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5770.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Sarah E. Spencer,

Panther, Indian Territory,

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
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Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Lile E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooley, Clarence A. Dooley, Roy C. Dooley, William B. Dooley, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixby.

Chairman.

Register.

MCR-5776.

Muskogee, Indian Territory, March 16, 1907.

Sarah H. Spencer,
Panther, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 5776

For Identification as a Mississippi Choctaw.

Date

JUN 6 1902

Name Sarah E. Spencer

Age 37

Blood 1/16

Post-Office, Panther, I. T. -

Father: James Gilliam Ryan, d

Mother: Mary Ann " l

Claims through father

~~wife.~~
Husband: R. L. Spencer, l. w.
No claim for husband.

Children:

Sylvester D. Spencer. 12

Eunice M. " 10

Robert A. " 8

Elvie B. " 6

Mary C. " 3

Claims for self
and children

Stenographer A. M. McMillan -

Choctaw MCR 5777

Ellen R. Marshall

See MCR 4639

MCR 5777

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6th, 1902.

#5777.

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In the matter of the application of Ellen R. Marshall for the identification of herself and her nine minor children, Gurtie, Obed, Claude, Eugene, Lattie, Mary, Roy, Gracie and John Gilford Marshall, as Mississippi Choctaws.

Frank M. Bailey attorney for applicant.

Ellen R. Marshall being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen R. Marshall.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Bradley, I. T.
Q How long have you lived at Bradley? A Fourteen years.
Q Where did you live before that? A I lived near Ryan.
Q In the Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory altogether?
A Well, thirty years.
Q Where were you born? A Arkansas.
Q And from Arkansas you removed to Indian Territory? A Yes sir/
Q Is your father living? A No sir.
Q Where in Arkansas did you live? A Hot Springs County.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Gilford Ryan.
Q What is your mother's name? A Her present name?
Q Yes? A Elisabeth Ryan.
Q Through which parent do you claim Choctaw blood? A Our father
Q How much do you claim? A One-sixteenth.
Q Has your father ever been enrolled as a Choctaw Indian or
recognized as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I
knew of.
Q When and where were your father and mother married? A In
Arkansas.
Q Do you remember the place in Arkansas and the day of the month
and year? A I do not.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a white man or Choctaw Indian? A White man.

#2.

- Q What is his name? A Benjamin P. Marshall.
 Q Do you make any claim for him? A No, I do not.
 Q Have you any children for whom you want to make application?
 A Yes sir.
 Q Give me the name of the eldest unmarried and under twenty-one?
 A Gurtie Marshall.
 Q How old is she? A Twenty years old.
 Q What is the name of the next child? A The next oldest?
 Q Yes? A Obed, eighteen.
 Q What is the name of the next? A Claud, fifteen.
 Q What is the name of the next? A Eugene, thirteen.
 Q What is the name of the next? A Lettie.
 Q How old? A Ten years.
 Q The next? A Mary, eight years.
 Q Are there any other children? A Yes sir.
 Q What other children? A Roy.
 Q How old? A Six years.
 Q Are there any others? A Yes sir, Gracie, three years, and John Gilford, two months.
 Q Is Benjamin P. Marshall the father of these children?
 A Yes sir.
 Q Were you ever married or was he ever married before you married each other? A No sir.
 Q These children are all living with you at his home? A Yes sir.
 Q Is your name on any of the tribal rolls, or the names of any of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A Yes sir.
 Q Upon what rolls does your name and the names of your children appear; upon the 1896 Census Roll of the Choctaw Nation?
 A Yes sir.

The name of this applicant and her first seven minor children appear upon the Census Roll of the Choctaw Nation submitted by the Choctaw tribal authorities to the Commission to the Five Civilized Tribes, and designated as the Choctaw Census Roll of 1896, as follows:

Gurtie Marshall	page 226	No. 8973
Obed Marshall	page 226	No. 8974
Claud Marshall	page 226	No. 8975
Eugene Marshall	page 226	No. 8976
Lettie Marshall	page 226	No. 8977
Mary Marshall	page 226	No. 8978
Roy Marshall	page 226	No. 8979.

- Q You state that you were admitted to citizenship in the Choctaw Nation, together with these children whose names appear upon this 1896 Census Roll of the Choctaw Nation, by the Revisory Board of the Choctaw Nation? A Yes sir.
 Q When were you admitted to citizenship in the Choctaw Nation?
 A In January, 1907, I think.
 Q Do you remember the day of the month? A No sir.
 Q Did you make personal appearance yourself before the Revisory Board of the Choctaw Nation? A No sir.
 Q In what manner was that application made for you? A Through our attorney.

#3.

- Q What was his name? A Telle.
- Q Alinten Telle of Ateka? A Yes sir.
- Q He's an Indian and a member of the Choctaw tribe, himself?
- A Yes sir.
- Q When and where did he first make application for yourself and your children? A At Ateka, I think.
- Q Do you remember the date? A No sir, I don't remember the exact date, but I think it was about the 20th of October.
- Q In what year? A 1896.
- Q What was done at that time in reference to that application made for yourself and your children? A I don't know.
- Q When was any further action taken with reference to the application for yourself and children? A I don't know.
- Q Do you remember where you were admitted? A At Tuskahoma.
- Q Then the Revisory Board didn't take final action? at Ateka?
- A No sir.
- Q And the matter was continued until the meeting of the Revisory Board or the Committee of the Choctaw Nation at Tuskahoma?
- A Yes sir.
- Q Did Mr. Telle represent you then? A Yes sir.
- Q Did you make personal appearance then? A No sir.
- Q But your application came before the Revisory Board at Tuskahoma in January, 1897? A I don't know.
- Q The other meeting was in October you say? A I think so.
- Q What action was taken at Tuskahoma by the Revisory Board?
- A We were admitted as citizens.
- Q Did you receive a certificate? A Yes sir.
- Q From whom did you get that certificate? A Secretary of the Interior.
- Q Not by the Secretary of the Interior; did you receive a certificate from S. J. Hemer, National Secretary of the Choctaw Nation? A Yes sir.
- Q Do you remember the date of that certificate? A No sir.
- Q Have you that certificate with you? A No sir, I haven't.
- Q Where is it? A I had it and we sent it to our attorney at Ardmore, and we have written for it but never got an answer. I don't know where it is; I guess it got misplaced there.
- Q But you are quite positive that you did receive such a certificate? A Yes sir, and had it in my possession for a good while.
- Q And did that certificate state that you and your children whom you have named had been duly enrolled as Choctaws by blood by the Board of Chief Commissioners authorized so to do, and that you and your children were recognized citizens of the Choctaw Nation? A Yes sir.
- Q You remember that it stated that do you? A Yes sir.
- Q You don't remember the date of that certificate? A No sir, I don't.
- Q Do you remember whether it was in January, '97? A I think it was, however, in January, '97.
- Q Can you now recall the day of the month? A I want be sure, but I believe it was the 7th.
- Q Well, it was very nearly that date, if not that date? A Yes sir.
- Q Have you ever prior to that enrollment in 1897 ever drawn any

#4.

money for yourself or your children or ever been recognized in any manner by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.

Q Do you now come before the Commission for the purpose of being identified and to identify all of these minor children whose names you have given to the Commission, as Mississippi Choctaws?

A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Article fourteen is the only authority by which the Commission can identify those who claim to be descendants of Mississippi Choctaw ancestors. The authority of the Commission to so identify is vested in an act of Congress of June 28, 1898, called the Curtis Bill, and in section 21 of that act.

The treaty of 1830 was the treaty made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't know, but I suppose they did.

Q What is the name of your ancestor, or ancestors, through whom you claim your Choctaw blood, whom you think complied with the provisions of article fourteen of the treaty of 1830?

A John Walker.

#8.

- Q Was he a white man or an Indian? A He's said to be a white man.
- Q How then did he happen to be an ancestor through whom you make this application? A Through his wife.
- Q What was his wife's name? A I don't know.
- Q How much Choctaw blood, if any, did she have? A Half is what they claim--half Indian.
- Q How old would she be if living now? A I don't know.
- Q How old would John Walker be if living now? A I don't know.
- Q Do you know whether her name is found upon any list of Choctaw Indians who received benefits under article fourteen of the treaty of 1830, and particularly Colonel Ward's list?
- A I don't know.
- Q Do you know if John Walker's name is upon any such list?
- A I suppose it is.
- Q Do you know? A I don't know.
- Q Have you heard so? A Yes sir, I have heard so.
- Q How would his name be upon Ward's list if he is a white man?
- A Intermarried.
- Q Is it a matter of family history and tradition with you that your great-grandfather John Walker intermarried with an Indian?
- A Yes sir.
- Q Did John Walker live in Mississippi in 1830 and have a family of children there then? A I don't know.
- Q You claim through your father do you not, John Gilford Ryan?
- A Yes sir.
- Q How old would he be if living now? A About seventy.
- Q He was born in 1832? A Yes sir.
- Q Did he live in Alabama? A Born in Alabama.
- Q Born in Alabama? A Yes sir.
- Q Was he born in the old Choctaw Nation? A In Sumpter County.
- Q In 1832? A Yes sir.
- Q Did he have an older brother? A Yes sir.
- Q What was that older brother's name? A James, I can't call his double name.
- Q Did he have a middle initial "G"? A Yes sir, I remember it now--Gillison.
- Q How much older was he than John your father? A I don't know.
- Q How much, as far as you know from family history and tradition?
- A I don't know.
- Q You heard members of the family testify yesterday; do you recall from what they testified? A I don't know, for that was a long time ago.
- Q Was he born in Alabama? A My uncle? I couldn't say.
- Q Yes, James Gillison Ryan, was he born in the same place?
- A I couldn't say; I don't know.
- Q You have no knowledge of whether the father and mother of your father, that is, your grandfather and grandmother lived in Alabama previous to 1832? A No sir.
- Q What was the name of your grandfather--your father's father?
- A James Ryan.
- Q Was he a white man? A No sir.
- Q He was an Indian? A Let me see--he was a white man.
- Q What was the name of his wife? A Elizabeth Walker.
- Q That was her maiden name? A Yes sir.

#6.

- Q And she married Jason Ryan? A Yes sir.
- Q How much Choctaw blood did she have, if any? A She must have had one-eighth.
- Q What was her father's name? A Her father?
- Q Yes? A John Walker.
- Q And her mother's name you don't know? A Yes sir.
- Q And her mother is the one who had the Choctaw blood?
- A Yes sir.
- Q Now can you tell whether it was John Walker's wife or whether it was John Walker's daughter Elizabeth who married Jason Ryan, who lived in the old Choctaw Nation in 1830 in Alabama and who was the head of a family there then? A No sir, I can't tell.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I don't know.
- Q You say you don't know; then of course you are not able to testify whether your great-grandfather John Walker is the same person as a certain John Walker whose name appears upon Ward's Register; is that why you say you don't know? A I don't know anything about it.
- Q You know the question that is asked is intended to cover this point: Whether you had an ancestor named John Walker and whether that ancestor John Walker is the identical John Walker whose name appears upon Colonel Wm. Ward's Registry list as a beneficiary under article fourteen of the treaty of 1830?
- A Well, from family history I think he's the one.
- Q Well, what is it in your family history that makes you think he is the same person? A I have always been told that we was Indians.
- Q You might have been told that you are Indians and descendants from Indian ancestors, but the further question is: Whether that Indian ancestor so complied with article fourteen of the treaty of 1830 as to get his name placed upon Ward's list; now, on page 18 of Volume 1 of the Choctaw Nation vs. the United States, appears a list known as Ward's Register, and in that list is the name of one John Walker as a beneficiary under article fourteen of the treaty of 1830, with a description of his family. His family consisted of himself, his wife and his children; his children were described as three under ten years of age, and four over ten years of age; he is also further described as a white man with an Indian wife. What further proof have you that this John Walker was your great-grandfather?
- A Well, my father always said so.
- Q In just what way and what words did he use to say that these two people were the same; now you say your father said so; he must have told you that he knew something about Ward's Register and that that name on Ward's Register was your great-grandfather, or he must have told you that your great-grandfather complied with article fourteen of the treaty of 1830, or used some language to say that your great-grandfather complied with article fourteen; did he ever say anything like that? A I don't know; he's been dead a long time.
- Q You don't remember in just what way he did express himself?
- A No sir.
- Q When was the first time you ever heard about article fourteen

#7.

- of the treaty of 1830 or about the treaty of 1830? A Well, I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838?
- A Yes sir, my father said that his grandmother went.
- Q His grandmother's name was what? A Walker.
- Q You mean the wife of John Walker? A Yes sir.
- Q Do you know when she went to the Indian Territory?
- A No sir.
- Q Do you know where she located when she reached that country?
- A No sir.
- Q Do you know if she died there? A No sir.
- Q Do you know if she went at the expense of the government with the other Indians? A No sir.
- Q All you know is that you have heard that she went? A Yes sir.
- Q And you don't know anything about the particulars? A No sir, I just heard that she went from the old Choctaw country on horse back.
- Q Did you hear that her husband John Walker went? A No sir.
- Q Don't know whether he did or not? A No sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were obliged, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. This neglect of his caused a good many Indians who had land in Mississippi and Alabama in the old Choctaw Nation to lose them both, for the land was taken away from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act approved August 23rd of that year, and this Commission went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits or rights under article fourteen of that treaty? A No sir, I don't.
- Q Did any of your Choctaw ancestors, if you remember, either Elizabeth Ryan or John Walker or his wife receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land and to replace land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.

#8.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Who is Alberta W. Gains; what relation to you? A She's our second cousin.
- Q She has made application to be identified as a Mississippi Choctaw before the Commission hasn't she? A Yes sir, I think so.
- Q Would you like to have her case and the names of all other relatives of yours who claim through the same common ancestor considered with your case? A Yes sir.

The case of Alberta W. Gains, M C R 4639, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence that you would like to introduce now? A No sir.
- Q Would you like time in which to introduce evidence? A Yes sir.

Thirty days time will be allowed this applicant in which to introduce such testimony or evidence as she may desire in support of this application, consistent with the rules of the Commission.

- Q You make this application for identification as a Mississippi Choctaw notwithstanding the fact that you were placed upon the rolls of the Choctaw Nation in 1896, relying now upon your right to be identified as a descendant from a Mississippi Choctaw ancestor, claiming under article fourteen of the treaty of 1830? No answer.

By the attorneys:

- Q What is your father's name? A John Gilford Ryan.
- Q What relation was he to James Gillison Ryan? A Brother.
- Q How long, Mrs. Marshall, has it been a matter of information to you through your family history that you were possessed of Indian blood? A All my life.
- Q When did you first hear of your father's making any effort to establish his Indian rights? A Been a long time.
- Q Did you ever hear of Galesby C. Walker? A Yes sir.
- Q What relation was he to you? A My great-uncle.
- Q Uncle of your father's? A Yes sir, my father's uncle.
- Q What relation was Galesby C. Walker to John Walker? A I don't know.
- Q Did you ever hear through your family history, Mrs. Marshall, as to where your great-grandmother Walker died? A No sir.
- Q In regard to you speaking of having heard that your great-grandmother Walker at one time came to the Indian Territory, from what you heard at that time did she remain in the Territory or merely come here on a visit and return to Alabama? A I think she went back.
- Q That's from the records and tradition of your family that she returned? A That she came out here on a visit.

#9.

- Q She came out some date after the Indians removed to the Indian Territory? A Yes sir.
- Q Did you ever hear why or for what purpose she visited Indian Territory? A No sir.
- Q What relation, Mrs. Marshall, are you to Mrs. Laura L. Ryan and Mrs. Ella Spencer? A Our cousins; my father and their father is brothers.
- Q Your uncle's children? A Yes sir, uncle's children.
- Q How long have you lived in the Indian Territory, Mrs. Marshall? A About thirty years.
- Q Do you ever remember in your family remembrance of hearing your father say why he came to the Indian Territory? A He came with the intention of proving his right.
- Q Do you know of your own personal knowledge that he made an effort during his life-time to establish his right? A Yes sir, I do.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair; gray eyes; doesn't understand the Choctaw language; her complexion is medium dark; she has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830, further than as a matter of family history and tradition; she has heard that her great-grandfather John Walker is the same John Walker whose name appears upon Colonel Ward's Registry list as one who complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. Her information, however, as to the identity of her great-grandfather John Walker with the John Walker upon that list, is vague and uncertain.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 6th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27th day of June, 1902.

Wm. H. H. H.
Notary Public.

5777
COPY.

Muskegee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cerniah, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskegee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James V. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5772; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Curtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary R. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

Ellen R. Marshall,

Bradley, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself and your children, Gurtie, Obed, Claud, Eugene, Lottie, Mary and Roy Marshall, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 10, 1903.

Miss Neter Marshall,
Eaglepoint, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 27, 1902, designating the land which you desire to select in allotment.

In reply to your letter you are advised that the Commission has at this time no means of recording the selection of allotments in the Choctaw and Chickasaw Nations. Matters of this character will receive its consideration upon the establishment of land offices in the Choctaw and Chickasaw Nations, which will probably be the first of April, at which time the citizens of these two tribes may appear at the land office for the Nation in which their land is located and make formal application for their allotments.

If you are an applicant to this Commission for identification as a Mississippi Choctaw, or for enrollment in the Choctaw or Chickasaw Nation, kindly state when, where, and under what name application was made, the names of your parents and other members of your family who appeared at the same time, and any other information you may possess which would enable the Commission to identify you upon its records.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5777.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Ellen R. Marshall,

Bradley, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Kirby.

Chairman.

Register.

MCR-5777.

Muskogee, Indian Territory, March 16, 1907.

Ellen R. Marshall,
Bradley, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date
Name Ellen R. Marshall.

Age 37 - Blood 1/16

Post-Office, Bradley, I. T.

Father: John Gilford Ryan, d

Mother: Elizabeth " l.

Claims through father -
husband Benj P. Marshall, l. w.
No claim for husband

Children:

Gertie Marshall,	20
Obed "	18
Claud "	15
Eugene "	13
Lettie "	10
Mary "	8
Roy "	6
Gracie "	3
John Gilford "	1 m

claims for self & children

Stenographer A. G. McMillan

Choctaw MCR 5778

Dora R. Windle

See MCR 4639

MCR 5778

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6th, 1902.

#8770.

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In the matter of the application of Dora R. Windle for the identification of herself and her six minor children, Charles L., Mary E., Gaston, Thomas, Norman and Andrew Windle, as Mississippi Choctaws.

Frank M. Bailey attorney for applicant.

Dora R. Windle being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Dora R. Windle.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Ryan, Indian Territory.
Q How long have you lived at Ryan? A All my life.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Gilford Ryan.
Q What is your mother's name? A Elizabeth Ryan.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you think you could introduce it, or do you care to introduce it later? A I think we can get it.
Q Are you married? A Yes sir.
Q What is your husband's name? A Thomas Windle.
Q Is he living? A Yes sir.
Q Is he a white man or Choctaw? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the eldest? A Ray.
Q How old is Ray? A Eleven years.
Q Was he known by any other name? A Charles Leroy.
Q Did you ever call him Charles? A No sir.

#2.

- Q You refer now to the Census Roll of the Choctaw Nation?
A Why, yes, it will be better I expect.
Q Was the name given by you as Charles Windle at any application you made for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No, I don't think it was.
Q Well, did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory, or any one for you? A Yes sir.
Q Who made application to the Choctaw tribal authorities for you and your children? A Our attorney.
Q Your attorney? A Yes sir.
Q What was his name? A I don't remember.
Q Would you remember if you heard the name? A I might.
Q Was it an attorney named Telle? A Yes sir.
Q Where does he live? A Durant, I think.
Q There is an attorney named A. Telle at Atoka, is that the one? A I don't remember the lawyer's name.
Q He made application for you for citizenship in the Choctaw Nation; do you know whether your name and the names of your children were placed upon the Census Roll of the Choctaw Nation, 1896? A I don't think so.
Q The name of Charles Windle appears upon said Roll, page 271, No. 14138; is that Charles Leroy whose name you gave now?
A Yes sir.
Q And do you want to give that name as Charles Leroy now?
A Yes sir.
Q What is the name of your next child? A Mary H. Windle.
Q How old is Charles Leroy Windle? A He's eleven years old.
Q How old is Mary H. Windle? A She's nine.
Q What is the name of the next child? A Gaston.
Q How old is Gaston? A He's eight years old.
Q What is the name of the next? A Thomas I believe.
Q How old is Thomas? A Five.
Q What is the name of your next child? A Norman.
Q Boy? A Yes sir.
Q How old is Norman? A He's three years old.
Q The next? A Andrew.
Q How old is Andrew? A He's one year old.
Q Is Thomas Windle the father of these children? A Yes sir.
Q Are you living with your husband and these children living with you at his home? A Yes sir.
Q Were either you or your husband ever married previous to your marriage with each other? A No sir.
Q You claim for yourself and these minor children do you?
A Yes sir.
Q Is your name or the name of any of your minor children on any of the Census Rolls of the Choctaw Nation in Indian Territory?
A On the Roll?
Q It is on the roll isn't it? A Yes.
Q Then application has been made for you to the Choctaw tribal authorities for enrollment as a Choctaw citizen and for the enrollment of your children as Choctaw citizens? A Yes sir.
Q When and where was such application made? A Well, I don't remember the place.
Q Did you ever receive a certificate signed by E. J. Kemer, National Secretary of the Choctaw Nation which notified you that

#3.

you were duly enrolled with your children as Choctaws by blood of the Choctaw Nation by the Board of Chief Commissioners of said nation? A Yes sir.

Q Therefore, application must have been made for you; was it made for you by your attorney Mr. Talle? A Yes sir.

Q You remember that name do you? A Yes sir.

Q And where was this application made; at what place? A I-----

Q At Atoka or Tuskahoma? A Tuskahoma.

Q Was application made before that time at Tuskahoma? A No sir, I don't think it was.

Q Well, at Tuskahoma anyway you remember that do you, Indian Territory? A Yes sir.

Q Did you appear before this Board of Chief Commissioners in person? A No sir.

Q You appeared through your attorney Mr. Talle? A Yes sir.

Q As a result of that application were you admitted to citizenship with your children in the Choctaw Nation? A Why, yes sir, I think so.

Q Well you know it don't you? You received a certificate?

A Yes sir.

Q This certificate plainly states that you are enrolled; do you want to present this certificate now and make it a part of the record in this case? A Yes sir.

Certificate presented by this applicant, Dora Ryan Windle, is received by the Commission as a part of the record in this case, marked Exhibit "A", and is as follows:

"This is to certify that Dora Ryan Windle, her husband Thomas Windle and their children Charles, Mary, Gaston, and Thomas Windle have been duly enrolled as citizens by blood before the Board of Chief Commissioners authorized so to do, and that they are recognized citizens of this Nation. Witness my hand and the seal of the Choctaw Nation this the sixth day of January, 1897, E. J. Hemer, Natl. Secty."

Q Now please give me the date that you made your application?

A I don't remember the date.

Q Was it some time in the year of 1897? A It was '96 or '97; I don't remember.

Q What part of the year '96? A I don't remember.

Q Was it some time after the three months had expired which was the time limited under the act of Congress of June 10, 1896, that the Dawes Commission could hear applications for citizenship in the Choctaw Nation? A I think so.

Q Do you remember if it was some time in the month of October, '96? A No, I don't, really.

Q Do you know when the Board of Commissioners for the Choctaw Nation met at Tuskahoma; don't you remember that it was in January, '97? A I think it was.

Q You knew at least that this certificate was dated the 6th day of January, 1897? A Yes sir.

The name of this applicant, Dora R. Windle, and the names of four of her eldest minor children appear upon the Census Roll of the Choctaw Nation submitted by the Choctaw tribal authorities to the Commission to the Five Civilized Tribes and designated as the Choctaw Census Roll of 1896, as follows:

Dora R. Windle, page 371, No. 14,137,
Charles Windle, whose name is now given by this applicant as Charles Leroy Windle, page 371, No. 14,138.
Mary E. Windle, page 371, No. 14,139.
Gaston Windle, page 371, No. 14,140.
Thomas Windle, page 371, No. 14,142.

- Q You state that you were admitted to citizenship by the Choctaw Revisory Board? A Yes sir.
- Q When was that; you are not able to give the date? A No sir.
- Q Have you ever, prior to that enrollment in 1897, ever drawn any money for yourself and your children, or ever been recognized in any manner by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think so.
- Q You don't care to have it explained further? A No sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A Yes, John Walker my great-grandfather.
- Q You think he did comply with article fourteen? A I think so.
- Q Was he a white man? A Yes sir.

#5.

- Q What was the name of his wife? A I don't know her name.
- Q Did she have Choctaw blood? A Yes sir.
- Q How much do you know? A Half.
- Q Did John Walker or his wife or both live in Mississippi or Alabama in 1830 in the old Choctaw Nation? A I don't know where they lived; they lived there somewhere; I don't know----
- Q Do you know whether John Walker's wife was the head of a family living in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q You claim through your father do you not? A Yes sir.
- Q How old would he be if living now? A Why, I don't know.
- Q Well you have heard your sisters, haven't you, state here that he would be seventy years old if living now? A Yes sir.
- Q Then from what you know and heard your relatives state in your presence, your father would be seventy years old now if living? A Yes sir.
- Q Where was he born? A Sumpter County, Alabama.
- Q That would be in '32 would it? A Yes sir.
- Q Did he have an older brother? A Yes sir.
- Q How much older was this older brother? A I don't remember; I don't know.
- Q That older brother was named James Gillison Ryan? A Yes sir.
- Q Didn't you hear his daughter say he would be at least five years older and perhaps more; you heard her say that? A Yes sir.
- Q Now do you know whether the father and mother of your father John Gilford Ryan were living in the old Choctaw Nation in Alabama in 1830? A I don't know.
- Q Have you any belief from what you have heard stated by members of the family that the parents of your father were living in Mississippi in 1830? A Why, it seems that they was.
- Q If they were living there then and had children living there then do you know whether they complied with article fourteen of the treaty of 1830? A I think so.
- Q What was the name of the father of your father John Gilford Ryan; what was your grandfather's name-----Jason? A Jason Ryan, yes sir.
- Q Was he a white man? A Jason Ryan? Yes sir.
- Q What was the name of his wife? A Elizabeth.
- Q Did she have Choctaw blood? A Yes sir.
- Q Whose daughter was she? A She was John Walker's daughter.
- Q Her maiden name was Elizabeth Walker? A Yes sir.
- Q Then as far as you can judge from family history and tradition Elizabeth Walker was living in the old Choctaw Nation in Mississippi and Alabama in 1830? A I think so.
- Q Did she own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did she or any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation? A I have heard my mother say that my great-grandfather had improvements on land.
- Q Your great-grandfather John Walker? A Yes sir.
- Q How did he hold it and he a white man? A Under his wife.
- Q As an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q Did he get that land from the government or did he buy it? A I don't know.

#6.

- Q That you don't know from anything you have ever heard from members of the family? A No, I don't know; he had the land and I don't know whether he had it under his wife or bought it; it seems he held it under his wife.
- Q Do you know where that land was located? A No sir.
- Q Do you know how much there was of it? A No sir.
- Q Do you know what became of it? A No sir.
- Q Do you know whether it was actually occupied by John Walker and his wife for a period of five years? A No sir, I don't know for how long he had it.
- Q You don't know whether he got a deed from the government for it? A No sir.
- Q You don't know whether it was located for him or his wife by Colonel George W. Martin, Locating Agent of the United States in Mississippi? A No sir.
- Q Do you know whether it had any improvements of any kind? A I don't know; I suppose it had houses.
- Q But you don't know that? A No sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose; this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842, and claimed any benefits as Choctaw Indians under that article? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved their rights under article fourteen and also proved that their land had been taken from them by the government in the old Choctaw Nation.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence you want to introduce now? A No sir.
- Q Would you like time in which to introduce other testimony? A No sir.

#7.

- Q What relation is Alberta V. Gaines to you? A Second cousin.
Q Has she made application to be identified as a Mississippi Cheestaw? A Yes sir.
Q Do you want to have this case considered with here and also the cases of other relatives who have made application here as Mississippi Cheestaws claiming through the same common ancestor?
A Yes sir.

W.

The case of Alberta Gaines et al., M C R 4639, is here referred to for the purpose of consolidation.

By attorney:

- Q Mrs. Windle, did you ever see what purported to be a copy of a patent or deed of lands issued to one John Walker? A Yes sir.
Q Do you know where that deed described these lands as being located? A No sir.
Q Is it a matter of family history and tradition with you that your great-grandfather, John Walker, owned or lived on land in Sumpter County, Alabama? A Yes sir.

Counsel moves that same time allowed in other cases be allowed in this case for the introduction of further testimony.

By the Commission:

Thirty days time is allowed on motion of counsel for applicant, in which to introduce other testimony in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes and brown hair; medium fair complexion; she has no knowledge of the Cheestaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830 further than that which is based upon family tradition and rumor.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 6th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Sworn to and subscribed before me this 12th day of June, 1902.

Charles H. Lawry, Jr.

Notary Public.

M.C.R. 5778

Muskogee, Indian Territory, January 30, 1903.

Dear Mr. Windle,

Ryan, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Manefield, McMurray & Cornish, has protested against the enrollment of yourself and your children, Charles Leroy, Mary E., Gaston and Thomas Windle, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

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Acting Chairman.

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Respectfully,

Acting Chairman.

OPY!

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5778.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Dora R. Windle,

Ryan, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R.	4639
Valeria B. Hogin,	"	4640
Elizabeth W. Collier, et al.,	"	4754
Eugenia C. Dean, et al.,	"	4999
William K. James, et al.,	"	6047
Mary Jane Allen, et al.,	"	6048
Litle E. James, et al.,	"	6049
Mary S. Pope, et al.,	"	6050
William A. Woodall, et al.,	"	6042
William D. Woodall, et al.,	"	6044
Mary A. Cannady, et al.,	"	6043
Lela C. Woodall,	"	6045
Albert E. Woodall,	"	6046
Laura L. Ryan, et al.,	"	5774
Sarah E. Spencer, et al.,	"	5776
Ed H. Ryan, et al.,	"	5783
James T. Ryan, et al.,	"	5782
James W. Ryan, et al.,	"	5771
Willie Ryan, et al.,	"	5780
Stephen Walker Ryan, et al.,	"	5770
Mary Francis Ann Elizabeth Ryan Dawson,	"	5772
Andrew Jackson Ryan, et al.,	"	5773
Ellen R. Marshall, et al.,	"	5777
Orlando H. Ryan, et al.,	"	5775
Dora R. Windle, et al.,	"	5778
Albert Ryan, et al.,	"	5779
Annie O. Jones, et al.,	"	4927
Mattie A. Walker,	"	4928
Martha E. Lee,	"	6175
Mary E. Shamburger, et al.,	"	6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odellia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James Dixey.
Chairman.

Register.

M C R 5778
M C R 5779

Muskogee, Indian Territory, March 1, 1904.

T. L. Wright,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 26, 1904, asking the status of the applications made by Albert Ryan and T. G. Windle, et al. for identification as Mississippi Choctaws. You state "These parties have land, some of which has been filed on, and they desire to transfer said land to other approved citizens to file contests. The Commission here will not allow them to contest without an official statement of the status of their cases."

In reply you are informed that it appears from our records that on June 6, 1902, Albert Ryan appeared before this Commission and made application for the identification of himself and two minor children, Milton and Hubert Ryan, as Mississippi Choctaws; also on June 6, 1902, Dora E. Windle, sister of Albert Ryan, made application for the identification of herself and minor children, Charles Leroy, Mary E., Gaston, Thomas, Norman and Andrew Windle, as Mississippi Choctaws. Dora Windle stated at the time she made this application that the name of her husband was Thomas Windle, a white man, and that she made no claim for him as a

T L W 2

Mississippi Choctaw. The application of Albert Ryan, et al. and that of Dora R. Windle, et al. have been consolidated with and made a part of the Mississippi Choctaw case of Alberta W. Gaines, et al.

On May 15, 1903, the Commission rendered a decision refusing the applications of the several applicants included in said consolidated case, and on the same date they were notified of the action of the Commission and that they would be allowed fifteen days from date of such decision within which to file argument in support of their claim to be forwarded with the record to the Secretary of the Interior.

The fifteen days from May 15, 1903, having expired on May 30, 1903, the record in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., together with the decision of the Commission, was forwarded the Secretary of the Interior on June 1, 1903, and up to the present time the Commission has not been advised of any departmental action thereon. When the decision of the Secretary in this case is made known to the Commission, the several applicants will be duly notified.

You are further advised that it is not believed that applicants for identification as Mississippi Choctaws whose rights to such identification are not finally determined are in any manner entitled to possessory rights of the tribal property of the Choctaw

T L W 3

and Chickasaw Nations, nor are they permitted to institute contest proceedings for any of the lands of said tribes. The applicants above mentioned would not, therefore, be permitted to institute contest proceedings for the land referred to in your letter.

Respectfully,

Commissioner in Charge.

MCR-5778.

Muskogee, Indian Territory, March 16, 1907.

Dora R. Windle,

Ryan, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 5778

For Identification as a Mississippi Choctaw.

Date

JUN 1 1902

Name Wora R. Windle

Age 27- Blood 1/16

Post-Office, Ryan, I. T.

Father: John Gieford Ryan, d

Mother: Elizabeth Ryan d

Claims through father
husband, Windle
Thomas Ryan, l. w.
No claim for husband.

Children:

Charles Leroy Windle. 11

Mary E. Windle. 9

Gaston " 8

Thomas " 5

Norman " 3

Andrew " 1

Claims for self
and minor
children

Choctaw MCR 5779

Albert Ryan

See MCR 4639

MCR 5779

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6, 1902.

#5779.

In the matter of the application for identification as
Mississippi Choctaws of Albert Ryan, for himself and his two minor
children, Milton and Hubert Ryan.

Frank M. Bailey, attorney for applicant.

Albert Ryan being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Albert Ryan.
Q What is your age? A Twentyfour.
Q Are you married? A Yes sir.
Q Have you any children? A Yes sir.
Q What is your post-office address? A Ryan, I. T.
Q How long have you lived at Ryan? A All my life.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John Gilford Ryan.
Q What is your mother's name? A Elisabeth Ryan.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by either the Choctaw authorities or the United States
authorities in the Indian Territory? A Not that I know of.
Q Can you give the time and place of the marriage of your father
and mother? A He was married in '52.
Q What day of the month and year? A The 23rd of February.
Q By a Minister under license? A I don't know.
Q At what place? A In Hot Springs County.
Q Have you that proof with you now? A No sir.
Q In Arkansas was it? Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Maud L. Ryan.
Q Is she living? A Yes sir.
Q White woman? A Yes sir.
Q You do not make any claim for her then as a Choctaw Indian?
A No sir.
Q Give me the name of your oldest child under twentyone years of
age and unmarried that you want to make application for? A Mil-
ton Ryan.
Q How old is he? A Two years old.
Q Have you any other children? A Yes sir.
Q The next? A Hubert Ryan.
Q How old is Hubert? A Four months.
Q Is Maud L. Ryan the mother of these children? A Yes sir.
Q Have either you or your wife been married previous to your mar-
riage to each other? A No sir.

- Q You now make claim for the identification of yourself and these two children as Mississippi Choctaws? A Yes sir.
- Q When and where were you married to your wife? A In '99.
- Q What day of the month? A The 23rd of February.
- Q At what place? A Hart, I. T.
- Q By a minister under a license? A Yes sir.
- Q Have you the proof of your marriage with you now? A No sir.
- Q Do you think you can introduce that later if given a little time? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Our attorney did.
- Q You did not make application in person? A No sir.
- Q What is the name of your attorney who make application for you? A I disremember now.
- Q Would you know the name if you heard it? A Yes sir,
- Q Was it attorney Telle of Atoka? A Yes sir thats the name.
- Q He made application for you before what authority for citizenship in the Choctaw Nation? (No response)
- Q Choctaw tribal authorities? Please answer? A Yes sir.
- Q Was it before the Board of Chief Commissioners authorized to enroll citizens of the Choctaw Nation? A Yes sir.
- Q Do you remember when it was? A Not exactly.
- Q Well now, can you tell about when it was? A In 1897 I think.
- Q Was it in January of that year? A I disremember.
- Q Do you remember where it was? A I don't know just now,
- Q Was it at Atoka or Tuskahoma? A At Tuskahoma.
- Q Was any other application made for you before that time? Was the first application at Atoka or Tuskahoma? A At Atoka I think.
- Q Was that the first part of the year 1897 or the latter part of the year 1896? A The latter part of '96 I think.
- Q Do you remember the month? A No sir, I do not.
- Q Was it some time in the month of October? A I can't say.
- Q Was it when application was made by the same attorney for other relatives of yours? A Yes sir.
- Q It has been testified to that that application was made in October, you do not remember whether that was the date or not? A No sir.
- Q What action was taken by the Board of Chief Commissioners when they met in October, the latter part of the year 1896? A I do not know.
- Q Were you admitted at that time or later on at Tuskahoma? A Later on at Tuskahoma.
- Q Then what action was taken in 1896? A I don't know.
- Q Well how could it have been if the action was at the later meeting at Tuskahoma? A I don't know.
- Q Well how do you know that final action was taken and you were admitted to citizenship at Tuskahoma? A I have a certificate,

- Q That is your belief and understanding? A Yes sir.
 Q Did you receive a certificate? A Yes sir.
 Q Is this the certificate which you have presented here? A Yes sir.

The following certificate has been presented to the Commission, accepted, marked "Exhibit A", filed and made a part of the records in this case:

"This is to certify that Albert Ryan has been duly enrolled as a Choctaw by blood by the Board of Chief Commissioners authorized so to do; and that he is a recognized citizen of this Nation.

Witness my hand and the Seal of the Choctaw Nation this the 6th day of January, 1897. S. J. Homer, Natl Secty."

- Q Well, Mr. Ryan, that is the authority upon which you rely when you state that you have been enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, is it?
 A Yes sir.
 Q And pursuant to that authority was your name placed upon the tribal rolls of the Choctaw Nation called the census roll of the Choctaw Nation of 1896? A I can't say.
 Q You know your name was placed upon that roll don't you? A Yes sir I think it was.
 Q Don't you know that it was? What makes you think it was when you received a certificate like that? Did you ever hear that your name was on the census roll of the Choctaw Nation of 1896 in the Chickasaw District? A I don't recollect.

The name of the applicant, Albert Ryan, appears upon the census roll of the Choctaw Nation submitted by the Choctaw tribal authorities to the Commission to the Five Civilized Tribes, and designated as the Choctaw Census Roll of 1896. Said name appears upon page 285, No. 11085, of said Census roll of the Choctaw Nation for the year 1896.

- Q This authority, Mr Ryan, you understand, was such an authority that does not give you the right of citizenship in the Choctaw Nation? A Yes sir.
 Q And you understand that it does not, because the only authority that had a right to determine the citizenship of any person in the Choctaw Nation was that authority which was contained in the act of Congress of June 10, 1896; that was the authority was it not? A I don't know.
 Q That was the fact. And within three months after that date, June 10, 1896, the Commission to the Five Civilized Tribes had the power to determine the rights of citizenship in the Choctaw Nation of all persons claiming that right. At the expiration of those three months time no authority either that of the Commission to the Five Civilized Tribes or any power vested in the Choctaw Nation itself or any of its authorities could enroll persons as members of the Choctaw tribe of Indians. This certificate having been issued on the 6th day of January, 1897, was issued at a time when the Choctaw tribal authorities had no power to enroll members of the Choctaw tribe of Indians; you understand that don't you? A Yes sir.
 Q That is the reason that you come here and make this application?

- Q Understanding that to be the case do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; it was made on the 27th day of September of that year, and for the purpose of removing as far as practicable all the Choctaw Indians in that old Choctaw Nation to the Choctaw Nation in the Indian Territory; before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation in the Indian Territory, and to protect the interests of those that remained back there in the old Choctaw Nation article fourteen was drafted and put into the treaty, which reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Walker.
- Q What relation was he to you? A Great grandfather.
- Q Was he a white man? A Yes sir.
- Q What was the name of his wife? A I don't know.
- Q How much Choctaw blood did his wife have? A She was a half breed.
- Q Did she live in Alabama in 1830 in the old Choctaw Nation? A I don't know.
- Q Do you know whether your father ever lived in Alabama? A Yes sir.
- Q How old would he be if living now? A About seventy years old.
- Q Born in 1832? A Yes sir.
- Q In the old Choctaw Nation in Alabama? A I don't know.
- Q What county was he born in? A Sumpter County.
- Q Did he have an older brother or brothers or sisters? A Yes sir.
- Q How much older than he do you know? A No sir I don't know.

- Q Do you know whether his other brothers and sisters were born in Sumpter County, Alabama? A No sir.
- Q It has been testified before the Commission by a daughter of James Gillison Ryan, who was an older brother of John Gilford Ryan, that her father was born in Alabama, did you hear her testify to that? A Yes sir; I disremember,
- Q So as a matter of fact you don't know whether the parents of John Gilford Ryan were living in the old Choctaw Nation in 1830? A No sir.
- Q You don't know the names of the parents of John Gilford Ryan? A Yes sir.
- Q Give the names? A His father was Jason Ryan; his mother was Elizabeth Walker Ryan.
- Q She was the daughter of John Ryan? A I don't know.
- Q Who had the Choctaw blood, Elizabeth or Jason Ryan? A Elizabeth.
- Q Where did she get it? A Through her mother.
- Q What was her mother's name? A I don't know.
- Q Can you give the name of any Choctaw ancestor of yours who lived in Alabama in 1830, and was the head of a family there then? A No sir, I don't believe I can.
- Q As a matter of fact don't you understand from what you have heard relatives of the family say that Elizabeth Ryan, the mother of John Ryan, your father, lived there in 1830, and had a family there then; your father was born there only two years after that? A Yes sir.
- Q Do you know whether your grand mother, Elizabeth Ryan, complied in any manner with article fourteen of the treaty of 1830? A No sir.
- Q Do you know whether she received any land or claimed any land in the old Choctaw Nation in Alabama or Mississippi in 1830? A No sir I don't know.
- Q Do you know whether she owned any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Do you know whether John Walker, her father, received or claimed any land in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir.
- Q Did you ever hear the name of any of your Choctaw ancestors who were upon what was known as Colonel Ward's list as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q You never heard that John Walker was on that list? A No sir.
- Q You do not know a thing about that fact do you? A Yes sir.
- Q What do you know about it? A I supposed he was on Ward's list.
- Q What makes you suppose that? A I seen a copy.
- Q A copy of what? a copy of a patent? A Yes sir.
- Q Issued to whom? A Issued to, I disremember; I won't state nothing about that.
- Q Are you trying to say that a copy of a patent or deed has been presented and that you have seen it, which conveyed land from from the United States government to any of your ancestors? A No sir.

On page 18 of Vol. 1 of the Choctaw Nation against the United States is a list known as "Ward's Register," said list being a list of Choctaw Indians whose names were placed upon that list by Colonel William Ward, United States Indian Agent, as beneficiaries under article fourteen of the treaty of 1830. On that list appears the name of one John Walker, a beneficiary under article fourteen of the treaty of 1830, described as a white man with an Indian wife.

- Q Do you know whether he was your great grandfather? A Yes sir.
 Q Do you know that he was your great grandfather? A Yes sir.
 Q How do you know it? What proof have you that the John Walker upon the Ward list was the John Walker, your great grandfather?
 A I have heard my mother say so.
 Q That the John Walker on the list was your great grandfather?
 A She has always said that John Walker was our great grandfather.
 Q Did she ever say that the John Walker on the Ward list was your great grandfather? A No sir.
 Q Then you have no testimony at the present time to connect these two as one and the same person? A No sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go before Colonel William Ward within six months after the ratification of that treaty and tell him they wanted to stay in Mississippi, take land there, and become citizens of the states. A good many Choctaw Indians did this whom Colonel Ward failed to put upon his list known as "Ward's Register", and as a result of this a great number of the Indians had both their lands and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, a Commission was appointed by Congress; this Commission went to Mississippi and heard claims under article fourteen of the treaty of 1830; and in 1848 another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claims under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and claim any rights under article fourteen of that treaty? A I do not know.
 Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under an act of Congress of August 23rd, 1848.

- Q What relation is Alberta W. Gaines to you? A A second cousin.
 Q Do you want to have her case referred to, and also the cases of all your relatives who claim from common ancestors, and all consolidated under one head? A Yes sir.

The case of Alberta W. Gaines, M. C. R. 4639, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
 Q Is there anything further you want to say in support of this claim? A No sir.
 Q Do you want to introduce any further testimony at this time? A No sir.
 Q Do you want any time in which to introduce other testimony? A Yes sir.

Thirty days time is allowed from the date hereof for this applicant to introduce further testimony in support of this application.

BY MR. BAILEY, Attorney for applicant:

- Q Mr. Ryan, you said a while ago that it was your understanding that these certificates which were issued were of no authority? A I disremember now.
 Q That is a fact is it not? A Yes sir.
 Q How did you reach that understanding, is that of your own knowledge of the Indian laws or what has been told you by attorneys? A That is my knowledge.
 Q You understand all of these Indian laws do you? A No sir.
 Q That is what your attorneys have told you? A Yes sir.

This applicant had the appearance and physical characteristics of being descended from white parentage; brown eyes, light brown hair, florid complexion, somewhat tanned; does not understand the Choctaw language, and has no knowledge of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on June 8th, 1908, and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

W. H. Martin

Subscribed and sworn to before me this 8th day of June, 1908.

Charles H. Sawyer

Notary Public.

M C R 5779
M C R 5780

Muskogee, Indian Territory, September 6, 1902.

Holding & Bailey,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between Albert Ryan and Mana L. Armor, and certificate of marriage between W. R. Ryan and Florence McIntosh, which you offer for filing in support of the applications made by Albert Ryan and W. R. Ryan for the identification of themselves and minor children as Mississippi Choctaws. The same have been filed in these respective cases.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cernish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Curtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary R. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

5777

COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

Albert Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against your enrollment as a citizen of the Choctaw Nation, on the grounds that your name was placed upon the 1896 Choctaw census roll by the so-called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5779.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Albert Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Doby.
Chairman.

Register.

M C R 5778
M C R 5779

Muskegee, Indian Territory, March 1, 1904.

T. L. Wright,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 26, 1904, asking the status of the applications made by Albert Ryan and T. G. Windle, et al. for identification as Mississippi Choctaws. You state "These parties have land, some of which has been filed on, and they desire to transfer said land to other approved citizens to file contests. The Commission here will not allow them to contest without an official statement of the status of their cases."

In reply you are informed that it appears from our records that on June 6, 1902, Albert Ryan appeared before this Commission and made application for the identification of himself and two minor children, Milton and Hubert Ryan, as Mississippi Choctaws; also on June 6, 1902, Dora E. Windle, sister of Albert Ryan, made application for the identification of herself and minor children, Charles Leroy, Mary E., Gaston, Thomas, Norman and Andrew Windle, as Mississippi Choctaws. Dora Windle stated at the time she made this application that the name of her husband was Thomas Windle, a white man, and that she made no claim for him as a

T L W 2

Mississippi Choctaw. The application of Albert Ryan, et al. and that of Dora R. Windle, et al. have been consolidated with and made a part of the Mississippi Choctaw case of Alberta W. Gaines, et al.

On May 15, 1903, the Commission rendered a decision refusing the applications of the several applicants included in said consolidated case, and on the same date they were notified of the action of the Commission and that they would be allowed fifteen days from date of such decision within which to file argument in support of their claim to be forwarded with the record to the Secretary of the Interior.

The fifteen days from May 15, 1903, having expired on May 30, 1903, the record in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., together with the decision of the Commission, was forwarded the Secretary of the Interior on June 1, 1903, and up to the present time the Commission has not been advised of any departmental action thereon. When the decision of the Secretary in this case is made known to the Commission, the several applicants will be duly notified.

You are further advised that it is not believed that applicants for identification as Mississippi Choctaws whose rights to such identification are not finally determined are in any manner entitled to possessory rights of the tribal property of the Choctaw

T L W 3

and Chickasaw Nations, nor are they permitted to institute contest proceedings for any of the lands of said tribes. The applicants above mentioned would not, therefore, be permitted to institute contest proceedings for the land referred to in your letter.

Respectfully,

Commissioner in Charge.

MCR-5779.

Muskogee, Indian Territory, March 16, 1907.

Albert Ryan,
Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Albert Ryan*Age *24* Blood *1/16*Post-Office, *Ryan, D. T., -*Father: *John Gifford Ryan* *d*Mother: *Elizabeth* *"* *l*Claims through *father -*
*wife -**Maud L. Ryan, l.w.*
No claim for wife. as

Children:

*Milton Ryan, 2**Robert " 4 m.**Claims for self &*
*2 children.*Stenographer *A. G. McMillan*

Choctaw MCR 5780

Willie Ryan

See MCR 4639

MCR 5780

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6th, 1902.

#3780

In the matter of the application of Willie Ryan for the identification of himself and his three minor children, Eula E., Delbert W., and Lillie M. Ryan, as Mississippi Choctaws.

Frank M. Bailey, attorney for applicant.

Willie Ryan, being first duly sworn, testified as follows:

Examination by the Commission:

- Q Your name is Willie Ryan? A Yes sir.
Q What is your age? A Twenty-five years old.
Q What is your post-office address? A Ryan, I. T.
Q How long have you lived at Ryan? A All my life.
Q Born there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A James William Ryan.
Q What was your mother's name? A Mollie E. Dawson.
Q That was her maiden name? A Yes sir.
Q Now Mollie E. Ryan is it not? A Yes sir.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-thirtysecond.
Q Has your father ever been enrolled or recognized as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
Q Has he ever been enrolled or recognized as a Choctaw Indian, put upon the rolls? A Yes sir.
Q When and where? A I don't know what year; '97 I suppose when he was enrolled.
Q Your father, James W. Ryan, made application here for identification as a Mississippi Choctaw, has he not, No. M. C. R. 5771? A Yes sir.

No. M. C. R. 5771 is here referred to as the number of James W. Ryan, father of this applicant.

- Q Was his name placed upon the census roll of the Choctaw Nation of 1896 on Page 285, No. 11072? A Yes sir.

The records of the Commission show that there appears upon the census roll of 1896 of the Choctaw Nation on said page the number and name of James W. Ryan, father of this applicant, who now claims the right to be identified as a Mississippi Choctaw, M. C. R. 5771; and among the children

of said James W. Ryan upon said page 385 is the name of Willie Ryann, this present applicant, whose number on said page 385 of said census roll of the Choctaw Nation is 11073.

- Q Application was then made for you was it not, Mr. Ryan, by either your father or by some other person for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Yes sir.
- Q You were a minor at that time, were you not? A Yes sir.
- Q Who was this application made by? by your attorney? A Yes sir I reckon it was.
- Q Do you know the name of that attorney? A Yes sir.
- Q What was his name? A Mr. Telle, A Telle.
- Q An attorney at Atoka, Indian Territory? A Yes sir.
- Q When was this application made by your father for yourself as one of his children? A In '97 or '98.
- Q At what place? A Atoka.
- Q The first application was made at Atoka? A Yes sir.
- Q Was another hearing held in your application? A Yes I think there was.
- Q At the time of the application at Atoka you were not admitted, were you? A I don't know.
- Q You state another hearing was had, was that at Tuskahoma? A I think it was.
- Q Do you know it was? do you know anything about it? A I could not say.
- Q As a matter of fact you know an application was made for your enrollment as a citizen of the Choctaw Nation to the Choctaw Tribal authorities in the Indian Territory? A Yes sir.
- Q You think it was at Atoka? A Yes sir.
- Q Do you know whether you were admitted at Atoka, or not? A I think I was.
- Q You don't know anything about any continuance of your case to Tuskahoma, Indian Territory? A No sir.
- Q And as evidence of the fact that you were admitted your name was placed upon page 385 of the census roll of the Choctaw Nation in 1898, was it not? A Yes sir.
- Q Now in making this application do you make it with the understanding that the Choctaw tribal authorities had no authority to enroll you as a Choctaw citizen at that time? A I don't know.
- Q What did you come here for today? you came here to be identified as a Mississippi Choctaw and you claim rights in the Choctaw Nation, don't you? A Yes sir.
- Q Then if you do not know whether or not you were legally a member of the Choctaw tribe of Indians why did you come here today?

BY MR. FAHEY, attorney for applicant:

The applicant holds certificate purporting to have been issued by the Revisory Board sitting either at Atoka or Tuskahoma; said certificate being signed by S.J. Homer, the National Secretary, and it comes to the knowledge of the applicant that these certificates are illegal and invalid for the reason that they were issued after the authority of said Board had expired, and for that reason he comes now and makes application for his enrollment as a Mississippi Choctaw.

By the Commission:

- Q Now, Mr Ryan, you hear their statement made by your attorney; that is the way you understand it is it? A Yes sir.
- Q And for that reason you now come before this Commission do you to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Was a certificate issued to you by S. J. Homer, National Secretary? A No sir.
- Q You were a minor and were applied for at that time by your attorney through your father as a minor? A Yes sir.
- Q And no certificate was issued to you? A No sir.
- Q But you saw a certificate that was issued to your father? A Yes sir.
- Q Do you remember the date of that certificate? A No sir, I don't.

Reference is here made to the application for identification as a Mississippi Choctaw, M. C. R. 5771, being the number of the application of James W. Ryan, father of this applicant, where said certificate is filed.

- Q You claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the twenty-seventh day of September of that year. The object of that treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation in the Indian Territory, and to protect the interests of those Indians who remained in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that article of that treaty? A Yes sir I believe I do.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply in any way with article fourteenth of the treaty of 1830? A No sir I do not.
- Q How far do I when and where your father and mother were married? A No sir, I can not.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Florence Ryan.
- Q Is she alive? A Yes sir.
- Q A white woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Have you any children that you want to make a claim for? A Yes sir.
- Q What is the name of your oldest child? A Lula E. Ryan.
- Q How old is she? A A Four years old.
- Q Any others? A Yes sir.
- Q What is the name of the next? A Delbert W. Ryan.
- Q How old is Delbert? A Two years old.
- Q Any more? A Yes sir, Lillie M. Ryan.
- Q How old? A Two months old.
- Q You claim for yourself and children do you? A Yes sir.
- Q Is Florence Ryan the mother of these children? A Yes sir.
- Q Are you and your wife living together with these children at your home? A Yes sir.
- Q Were either you or your wife married before you married each other? A No sir.
- Q Have you the proof of your marriage to your wife with you now? A No sir.
- Q Can you introduce that proof later? A Yes sir.
- Q When and where were you married? A Clay County Texas.
- Q What day of the month and year? A 1897.
- Q What day of the month? A 25th of April.
- Q By a Minister under a license? A Yes sir.
- Q Your name was placed upon the census roll of the Choctaw Nation of 1896, was it not? A Yes sir.
- Q Were you married at that time? A No sir.
- Q These children have all been born since that date? A Yes sir.
- Q Your name was placed upon the census roll as a Choctaw was it not? A Yes sir.
- Q Give me the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Through my grand father, John Gilford Ryan.
- Q How much Choctaw blood did he have? A I don't know.
- Q He claimed through whom, his father or mother? A I don't know which.
- Q Can you go back any further than John Gilford Ryan, your grandfather? A No sir.
- Q Do not know the name of your ancestor further back than him? A No sir.
- Q Now, did John G. Ryan ever live in the state of Mississippi? A I can not tell you.
- Q Did your grand father, John G. Ryan, live in the old Choctaw Nation in Alabama? A I don't know, that is what I have heard other witnesses testify.
- Q You have heard the daughter of John G. Ryan say so? A Yes.
- Q You have heard other members of the family descendants of the same common ancestors, the same John G. Ryan, say so? A I never heard him say so.

- Q Have you not heard that John G. Ryan lived in Alabama in the old Choctaw Nation? A Yes sir.
- Q And do you believe it true that he did live there? A Yes sir.
- Q Have you heard that he would be seventy years old or living now? A Yes sir.
- Q And do you think or have you reasonable grounds for belief or based upon family history and tradition that he was born in the old Choctaw Nation in Alabama in 1838? A Yes sir.
- Q Have you ever heard that he had an older brother? A Yes sir.
- Q Have you never heard that John G. Ryan had any older brothers or sisters? A No sir.

Note by the Commission: This application was put in the presence of relatives of his who have testified to this fact, and heard it repeatedly stated that his grandfather, John G. Ryan, had an older brother whose name was James Gillison Ryan, and yet he states that he has no remembrance of having heard anyone state that John G. Ryan, his grand father, had an older brother.

- Q Can you give me the name of any of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi or Alabama in 1830, who was the head of a family there then? A That is a question just like this one you have asked me; I don't know other than what I have heard the other witnesses testify.
- Q From what you have heard members of your family and kin folk of yours say what do you know about it? A They have stated that John Walker owned land in Mississippi.
- Q Who was John Walker, any relation of yours? A Why he is my great grand father I guess.
- Q Have you heard people tell you that in the family have you not? A Yes sir.
- Q Do you know whether he lived in the old Choctaw Nation in Alabama and complied with article fourteen of the treaty of 1830, or not? A I don't know.
- Q Did you ever hear that his daughter, Elizabeth Walker, had any Choctaw blood? A Yes sir.
- Q You have heard of her being Indian? A Yes sir.
- Q Who did she marry, Jason Ryan? A I believe so.
- Q Did Jason Ryan have any Choctaw blood? A No, sir I don't think so.
- Q How much did Elizabeth, his wife, have? A I don't know.
- Q Do you know whether she lived in Alabama in the old Choctaw Nation and had a family there then? A No sir.
- Q You can not give me the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them own any improvements on any land in the old Choctaw Nation under the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors come from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation west of the Mississippi river with the other Indians between 1833 and 1838 or 1840? A I don't know.

Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in that old Choctaw Nation, and build there and become citizens of that state? A I do not know.

The Choctaw Indians who stayed in that old Choctaw Nation after the Mississippi River after the treaty of 1830 were required under article fourteen of that treaty if they wanted to take advantage of that article to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the state. A great many Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's list". His failure to do this caused a great many of the Choctaw Indians to lose both their lands and improvements; they were taken from them by the government and sold at its public land sales. This caused a great number of complaints among the Indians, and in 1837 and also in 1842 by acts of congress commissions were appointed, which went to Mississippi and heard complaints under article fourteen of the treaty of 1830.

Q Do you know whether any of your ancestors went before either of the Commissions and claimed any benefits under article fourteen of that treaty? A No sir, I don't.

Q Did any of your Choctaw ancestors receive any script from the government which entitled them to receive land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under the act of Congress of August 22, 1842.

Q What relation to Alberta W. Gaines to you? A Third cousin.

Q Was he related to the Commission for identification as a Choctaw? A Yes, sir, was she not? A Yes sir.

Q Was he a to consolidate your case and the case of your relatives? A Yes, sir.

Alberta W. Gaines, M. C. E. Jones, is now in the service of the government for the purpose of consolidating these cases.

Q Do you speak the Choctaw language? A No sir.

Q Do you have any other evidence that you want to introduce? A No sir.

Q Do you want any further time in which to introduce other testimony? A Yes sir.

Thirty days time is allowed this applicant for that purpose.

#1

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; ruddy complexion; does not speak or understand the Choctaw language, and has no knowledge of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 6th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

W. H. Martin

Subscribed and sworn to before me this 10th day of June, 1902.

Charles E. Sawyer

Notary Public.

M C R 5779 ✓
M C R 5780

Muskogee, Indian Territory, September 6, 1902.

Holding & Bailey,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between Albert Ryan and Mana L. Armor, and certificate of marriage between W. R. Ryan and Florence McIntosh, which you offer for filing in support of the applications made by Albert Ryan and W. R. Ryan for the identification of themselves and minor children as Mississippi Choctaws. The same have been filed in these respective cases.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 6, 1902.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the following documents which you offer for filing in support of the claims of the several applicants included in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.:

Certificate of marriage between Thomas G. Windle and Dora G. Ryan;

Certificate of marriage between J. W. Ryan and Nannie Stamps;

Certificate of marriage between J. W. Ryan and Avo Griffith;

Original marriage license and certificate between L. G. Collier and L. A. Walker;

Certificate of marriage between A. A. Walker and D. J. Buck.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

Orlando H. Ryan,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself and your son, John Gilford Ryan, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

1722
COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank M. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary R. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

Willie Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself and your children, Lula E., Delbert W. and Lillie M. Ryan as citizens of the Choctaw Nation, on the grounds that your name was placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Frank N. Bailey,

Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Hanafield, McMurray & Cornish, has protested against the enrollment of James W. Ryan, Walter Ryan, Claud Ryan, Georgie Ryan and Maggie May Ryan, M.C.R. 5771; Andrew J. Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan and Nellie Ryan, M.C.R. 5773; Orlando H. Ryan and John Gilford Ryan, M.C.R. 5775; Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall and Roy Marshall, M.C.R. 5777; Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle and Thomas Windle, M.C.R. 5778; Albert Ryan, M.C.R. 5779; and Willie Ryan, M.C.R. 5780, as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given said applicants to introduce any additional testimony or written briefs which they may have to offer in support of their application.

Respectfully,

Acting Chairman.

OPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5780.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Willie Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooley, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1890 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James H. Cox,

Chairman.

Register.

M.C.R. 4639
M.C.R. 5780
M.C.R. 6412

Muskogee, Indian Territory, December 17, 1903.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 24, referring to the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the application of Alberta W. Gaines et al. for identification as Mississippi Choctaws. In your letter of November 24, you state that there were included in this decision of the Commission the names of certain persons, William W. Ryan, Willie Ryan and others who held certificates from the Choctaw census committee of 1896 and that while the decision of the Commission of May 15, 1903, decided adversely to all applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., the opinion and judgment was without prejudice to the rights of certain of these applicants who held certificates from the Choctaw census committee of 1896.

You now desire to be advised as to the status of these applicants who held such certificates and if they will now be permitted to designate their selections of allotments of the lands of the Choctaw and Chickasaw Nations.

H & B 2

In reply to your letter you are advised that certain of the parties applicants for identification as Mississippi Choctaws in the consolidated case of Alberta W. Gaines, et al. were placed upon the 1896 census roll of the citizens of the Choctaw Nation, their names appearing upon such roll as follows:

11072 Jas. W. Ryann
11073 Willie Ryann
11074 Walter Ryann
11075 Claud Ryann
11076 George Ryann
11077 Maggie Ryann
11083 Orlando Ryann
11084 John C. Ryann
11085 Albert Ryann
3671 Mary Ryann Dawson
8972 Ellen R. Marshall
8973 Gurtie Marshall
8974 Obed Marshall
8975 Claud Marshall
8976 Eugene Marshall
8977 Lettie Marshall
8978 Mary Marshall
8979 Roy Marshall
14137 Cora R. Windle
14138 Charles Windle
14139 Mary E. Windle
14140 Gaston Windle
14141 Thomas Windle

These persons at the time of the submission of their applications for identification as Mississippi Choctaws, testified that their names were placed upon said roll of the citizens of the Choctaw Nation in the month of January 1897 by a so-called Board of Commissioners of the Choctaw Nation and they filed in evidence certificates of S. J. Homer, National Secretary of the Choctaw Nation as to such enrollment.

H & B 3

The Choctaw Nation has long contended that the names of these persons were placed upon the 1896 census roll of the citizens of the Choctaw Nation without authority of law and it appears that they made application to a so-called Board of Commissioners of the Choctaw Nation appointed under an act of the Choctaw Council approved October 30, 1896, and were by said Board admitted as citizens by blood of the Choctaw Nation and their names ordered placed upon the Choctaw Census Roll of 1896. The applications of these persons for citizenship in the Choctaw Nation were made subsequent to September 10, 1896, and the Board of Commissioners to whom the applications were submitted was created by an act of the Choctaw Council approved subsequent to September 10, 1896, the time when the jurisdiction of the Choctaw Nation to admit and enroll any person or persons as citizens of that tribe had expired, as provided by the act of Congress of June 10, 1896, (29 Stat., 321).

Section twenty one of the act of Congress approved June 28, 1898, (30 Stat., 495) entitled "An Act for the protection of the people of the Indian Territory, and for other purposes" provides:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The evidence before this Commission is conclusive to the fact that the names of these persons were placed upon the 1896 census

H & B 4

roll subsequent to the time within which the Choctaw tribal authorities had jurisdiction to admit or enroll an persons as citizens of that tribe and that such enrollment was consequently without authority of law.

The Commission, in its decision of May 15, 1903, in disposing of the applications of these persons for identification as Mississippi Choctaws, recited the fact that their names were placed upon the 1896 census roll of the citizens of the Choctaw Nation in the month of January 1897, and that such purported enrollment in no way showed any compliance on the part of their ancestors with the provisions of the fourteenth article of the treaty of 1830, and in no manner affected the rights of these persons as claimants under said article of that treaty.

The decision of the commission in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al. was on June 1, 1903, forwarded to the Secretary of the Interior and is still pending departmental action.

While the purported enrollment of the aforementioned persons by the Choctaw Nation in 1897 was not fully disposed of in the decision of the Commission of May 15, 1903, in regard to their applications for identification as Mississippi Choctaws, the Commission nevertheless considers that such enrollment in 1897 was without authority of law and that they would in no manner be entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

H & B 5

The Commission must, therefore, decline to permit these persons to make any selection of the lands of the Choctaw and Chickasaw Nations and refuse to make any record of the designation of such land as they desire as their prospective allotments.

Respectfully,

Chairman.

MOR-5780.

Muskogee, Indian Territory, March 16, 1907.

Willie Ryan,

Ryan, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

JUN 12 1902

Name

Willie Ryan

Age

25

Blood

1/32

Post-Office,

Ryan, D. T., -

Father,

James M. Ryan, l

Mother,

Mollie E. " d

Claims through father - - - - -
wife,Florence Ryan, l. w.
No claim for wife.

Children:

Eula E. Ryan. 4

Welbut M. " 2

Lillie M. " 2m

Claims for self &
children

Stenographer

E. J. McMillan

Choctaw MCR 5781

Callie Mantooth

See MCR 394

MCR 5781

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6th, 1902.

#5781.

In the matter of the application of Gallie Mantooth for the identification of herself and her minor child, Edney Mantooth, as Mississippi Choctaws.

J. C. Poole, Attorney for applicant.

Gallie Mantooth being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Gallie Mantooth.
Q What is your age? A I am twenty-six years old.
Q What is your post-office address? A Sterrett, I. T.
Q How long have you lived in the Indian Territory? A Six years.
Q Where were you born? A In Tennessee.
Q Did you come from Tennessee to the Indian Territory? A No sir, I came from Tennessee to Texas.
Q And from Texas to the Nation? Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Lem Lewis.
Q What is your mother's name? Amanda Lewis.
Q Through which parent do you claim your Choctaw blood? A Through my father.
Q How much do you claim? A I don't know; one-eighth I reckon.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Have you any proof of the marriage of your father and mother? A No sir.
Q Can you tell when they were married? A No sir.
Q You can introduce that proof? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Mantooth.
Q He is living and a white man is he? A No sir, he is Indian.
Q Do you make application for him as an Indian? A No sir.
Q What kind of Indian blood has he? A I don't know.
Q Have you any children that you want to make application for? A Yes, one.
Q What is the name of the child? A Edney Mantooth.

- Q Did he claim through his father or mother? A He claimed through his mother.
- Q Was she living in Mississippi in 1830? A Yes sir.
- Q What was his mother's name, what was John Lewis' wife named?
- A Shannah in Indian, her white name was Betsy.
- Q Then you claim through both parents to you, father and mother?
- A Yes sir.
- Q How much Choctaw blood did Betsy, the wife of John Lewis, have? A One half or more.
- Q Now, is she live in Mississippi in 1830 and was a family of children there? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A Yes sir.
- Q But you do not know where? A No sir, I don't.
- Q Can you give the name of any Choctaw ancestor who did live in Mississippi or Alabama in the old Choctaw Nation in 1830, and was the head of a family there at that time? A My great grandmother.
- Q Is that John Lewis' mother? A No sir.
- Q That is Betsy's mother? A Yes sir.
- Q You don't know whether she lived in Mississippi and was a family there in 1830 then? A Yes sir.
- Q Well, did she? A Yes sir, Shannah was the oldest child.
- Q You mean Betsy? A Yes sir.
- Q How old would Betsy be if living now? A I could not tell you; I don't know.
- Q You can not give the name of Betsy's mother? A No sir.
- Q Can you give the name of the father or mother of John Lewis?
- A No sir.
- Q Did any of your ancestors own any land or claim any land in Mississippi or Alabama under Article Fourteen of the treaty of 1830? A Yes sir.
- Q Who did? A My great grandmother.
- Q What is her name? A I could not tell you.
- Q How do you know this great grandmother whose name you do not know had any land in Mississippi or Alabama in 1830? A I was told she had.
- Q How much land did she get, tell me all about it? A I could not tell you that.
- Q Where was that land located? A In Mississippi.
- Q What part of Mississippi? A I could not tell you.
- Q You are not very much knowledge of this fact yourself have you? A No sir, I don't know much about it only what I have been told.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes sir.
- Q Do you know where those improvements were? A No sir.
- Q Do you know what they consisted of? A No sir.
- Q Did any of your Choctaw ancestors come from that old Choctaw Nation to the Choctaw Nation in the Indian Territory between 1830 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 come to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Alabama or Mississippi and take land there and become citizens of the states? A Yes sir.
- Q Who did that? A My grandmother.
- Q Your grandmother? A My great grandmother, Betsy's mother.
- Q You do not know her name, how do you know she went to Colonel

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Ward at his office in Mississippi and tried to register? A I don't know.

Q You can not give the source of your information? A No sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required to go to the United States Indian Agent, Colonel Ward, and state that they wanted to remain in Mississippi, take land there, and become citizens of the state. A good many Indians did this, whose names Colonel Ward failed to put upon his list known as "Ward's Register. His neglect to register these applicants caused the government to take the land from the Indians and sell it at its public land sales. This caused so many complaints among the Indians that in 1837 as well as in 1842 by acts of Congress Commissions were appointed who went to Mississippi and heard applicants under the treaty of 1830.

Q Do you know whether any of your ancestors went before either of these commissions claiming benefits in these lands? A Yes sir

Q Did any of your ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This script was issued under the act of Congress of August 23rd, 1842.

Q Do you speak the Choctaw language? A No sir.

Q Have you any proof that you want to introduce in support of this application?

By Mr. Poole, attorney for Applicant: Yes sir.

By the Commission:

Q What relation is Frances Wren to you? A A sister.

Q She has made application to the Commission to be identified as a Mississippi Choctaw hasn't she? A Yes sir.

Q Have any other relatives of yours applied here also? A No sir

Q Do you want to have the case of Frances Wren, M. C. R. 394, consolidated with this in order that you may get the benefits of the testimony she gives in her application? A Yes sir.

By Mr. Poole, attorney for applicant:

Q If I was to call the name of your great grandmother would you know it? A Yes sir.

Q Was it Lushpea? A Yes sir.

Q If I was to call the name of her husband would you recollect it? A Yes sir.

Q George Clark? A Yes sir.

Q Was George Clark a white man or Indian? A White man.

Q Was Lushpea white? A A full blood Choctaw.

Shannah, the daughter of Lushpea who married John Lewis is the grandmother of this applicant.

Thirty days time is allowed the applicant in which to introduce testimony in support of this application.

The applicant has the appearance and physical characteristics of ~~in~~ descended from white parents; grey eyes, fair complexion, rather light

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brown hair; she does not understand the Chectaw language, and has no knowledge of the compliance on the part of her ancestors with the provisions of the treaty of 1830.

Walter H. Martin, being first duly sworn, on his oath states: That as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on June 6th, 1902; and that the foregoing is a true, full and correct transcript of his stenographic notes in same.

W. H. Martin

Subscribed and sworn to before me this 6th day of June, 1902.

Charles H. Sawyer

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Kemp, Indian Territory, July 8, 1902.

In the matter of the application of Mary R. Johnson, et al.,
for identification as Mississippi Choctaws, M.C.R. 480.

In the matter of the application of Sallie Berryman, et al.,
for identification as Mississippi Choctaws, M.C.R. 131.

In the matter of the application of Frances Wren, et al.,
for identification as Mississippi Choctaws, M.C.R. 394.

In the matter of the application of Callie Mantoeth, et al.,
for identification as Mississippi Choctaws, M.C.R. 5781.

Jerry Colbert, having been first duly sworn, according
to law, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jerry Colbert.
Q How old are you? A I don't know, sir, how old I am.
Q About how old do you think you are? A I am about eighty or
ninety years old, I reckon.
Q What is your post office address? A Kemp, Indian Territory, I
reckon.
Q Where were you born? A In North Carolina.
Q How long did you live in North Carolina? A Not long, sir; I don't
know when I left there.
Q Were you a slave? A Yes, sir.
Q Where did you go from North Carolina? A I come to Tennessee.
Q Come to Tennessee? A Yes, sir.
Q How long did you live in Tennessee? A I didn't stay there long;
stayed there a while; stayed there some four or five years.
Q Four or five years? A Yes, sir.
Q Where did you go from Tennessee? A Come to this country.
Q Do you know about what time you come to this country? A I don't
know what time we come; I don't know exactly.
Q Was it before the Civil War? A Oh! yes.
Q Did you come to this country as a slave? A Yes, sir.
Q Were you owned by an Indian? A No, white man owned me; I was sold.
Q Sold here in the Territory? A Yes.
Q Who were you sold to in the Territory, uncle Jerry? A His name
was Carter; he married one of the Colbert girls. He was Indian.

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- Q You say you were born in North Carolina, and you don't know how long you lived there? A No, sir.
- Q You were born in Slavery? A Yes, sir.
- Q And then you moved from there --? A To Tennessee.
- Q And you come from Tennessee direct to the Indian Territory?
- A Yes, sir.
- Q That is true, is it, uncle Jerry? A Yes, sir.
- Q About how many years have you lived in the Indian Territory?
- A I don't know how many years I stayed down -- come to the Choctaw Nation.
- Q And it was while you were a slave that you acquired your rights in this Nation, is it? A Yes, sir.
- Q You are a Chickasaw Freedman? A Yes, sir.
- Q Have you ever made application to the Dawes Commission for enrollment? A I don't know, sir, anything about that.
- Q You don't know whether you want before the Dawes Commission, or not? A What?
- Q The Dawes Commission, and asked for land, and asked to be put on the rolls? A I don't know any more than what the neighbors up here -- they were never here -- that's all I know; they carried us up there and put our names up there on the rolls -- on the black folks -- the Freedmen.
- Q This land that you are now on, is this your allotment? A No, sir; that's up here ahead about a half a mile over here. A mile, I reckon.
- Q You never lived in Mississippi, did you? A Yes, sir.
- Q When, uncle Jerry? A I don't know, sir, how long it's been, but that's where we come from when we come from North Carolina; we come to Mississippi and we stayed there, I don't know how many years.
- Q Didn't you tell me you come from North Carolina to Tennessee, and from Tennessee to the Indian Territory? A Yes, sir.
- Q You are mistaken about one or the other? A No, sir; I belonged -- the man I belonged to in North Carolina, his name was Bill White, and the other one, he died, and I was named for his son-in-law's name, John Robbins and Bill Robbins; that was the family.
- Q When did you come to Mississippi from North Carolina, or Tennessee? A We come from North Carolina to Tennessee -- come straight west all the time.
- Q Come west from North Carolina? A Yes, sir. You see we come right west from North Carolina all the time.
- Q Did you stop in Mississippi? A Yes, sir.
- Q How many years? A I don't know, sir; good big boy.
- Q You were? A Yes, sir; then we come to Tennessee and stayed with the Robbins, and I fell an orphan child, and his step daddy sold me; we were sold at the land sales, and Petty Carter he bought us. He married one of the Gilberts, and he give us to the old mother-in-law. I have been with the Gilberts ever since they turned us loose; I have been living in the Territory ever since.
- Q With whom did you associate in Mississippi, the whites, colored people or Indians? A With the Indians.

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- Q Do you remember many of the Indians? A Good many of the oldest ones, but they are dead now.
- Q All the Indians that you knew in Mississippi are now dead? A Yes, sir; all the old set is dead pretty well, but I know them now - a good many; I knowed all the Colbert families and Greenwood families, and the Carter families - well the Carter was the man - Patty Carter was the man that bought me at the land sales from the whites; the whites brought us from North Carolina, and sold us out of the State at the Pontotoc land sales in the Chickasaw Nation.
- Q Can you speak the Chickasaw or Choctaw language, uncle Jerry?
- A No, sir; all of them I lived with talked English.
- Q All the people you talked with in Mississippi talked English?
- A Yes, sir; they could talk Choctaw language, but talked English to me, and talked their own language to one another.
- Q You know this Mr. Fowler who just swore you? A Yes, sir.
- Q Did he ever swear you before? A No, sir.
- Q First time he ever swore you? A This the first time.
- Q You are sure, uncle Jerry, Mr. Fowler never swore you to a paper before? A He never swore me, - I mean the last time he come here.
- Q Any other time before now? A No, sir.
- Q Has he ever been out here before now? A No, sir.
- Q Well, your daughter says he was here last week? A Well, that he might have been; that's the only swearing I knew.
- Q The man that was here before? A Yes, sir.
- Q You don't know who that was? A No, it was about two weeks ago he was here, or was it a week.
- Q Jerry, did you live in Mississippi in 1830? A Well, I don't recollect; I never kept no account of any ages, or any such times as that; I never kept no account.
- Q Did you live in the Choctaw Nation, in Mississippi? A Yes, sir; no, sir - yes, sir, I lived in the Choctaw Nation.
- Q Were you in Mississippi at any time when a treaty was made?
- A You know the treaty is; I know when the treaty was.
- Q What treaty was it? A I don't know what treaty it was.
- Q You don't know anything about the name of the treaty? A No, sir.
- Q Do you know what the Indians did, or got, by that treaty?
- A They had a treaty about moving out to the new country.
- Q Treaty about moving out to the new country? A Yes, sir.
- Q Do you know whether or not that treaty was called the treaty of Dancing Rabbit Creek? A No, sir; I don't know; I don't suppose I was old enough to know what they were doing.
- Q How old were you at that time? A I was about thirty I reckon. I went to the treaty with them when they made the treaty; I went to the council where they had the treaty, and they made the treaty with the Choctaws and Chickasaws, and the Chickasaws were to come over in the country.
- Q About how old were you when you left Mississippi, uncle Jerry?
- A Well, I was about twelve years old - twelve or thirteen.
- Q When you left there? A Yes, sir.
- Q Aren't you mistaken about that; you said you were thirty years old when the treaty was made? A I don't know when it was made.

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- Q I asked you how old you were when you left Mississippi? A Well, I don't know; I didn't keep the age of the people there like they do in the States.
- Q You said you were twelve or thirteen years old when you left there? A I must have been.
- Q You were pretty near grown at the time the treaty was made, were you? A I wasn't grown good; I wasn't of age; I might have been of age when I come to this country, but I wasn't studying about marrying, or anything, yet.
- Q How long after the treaty was made - how many years after - did you leave Mississippi? A It wasn't long; it wasn't long - I don't know how many years it was, but didn't stay there long after that before they moved out; the Government moved them.
- Q Were you moved by the Government? A Yes, sir; by the Government.
- Q You are pretty near blind, aren't you? A Yes, sir. Yes, sir; the Government moved us out here. Miller was the man that moved us, he was -- and John Blanderslice, or something; there was two of them, but I know Miller.
- Q Well, now, while you lived in Mississippi, did you know anybody there by the name of Ispia? A Well, I might have knowed it, but it's been so long; they are dead now.
- Q Did you know such a person in Mississippi? A Yes, sir; I used to know, but these here ---
- Q Never mind! I am asking you about this one. You knew this Ispia, did you? A The family was in there amongst where we lived.
- Q Was Ispia a man or woman? A It's a woman.
- Q Ispia was a woman? A Yes, sir.
- Q Did Ispia have a name by which he was known by the white people - any other name besides Ispia? A No, sir; not that I know of.
- Q This was the only one? Now, be very exact about this; you are under oath, you know, and you don't want to answer unless you are certain about it? A I don't want to answer unless I know.
- Q You don't know whether he had an Indian name or not? A Yes, he had Indian name.
- Q Or, I mean an English name? A English name?
- Q Yes, another name besides Ispia? A There was a big family or them, I knew.
- Q And Ispia was a woman? A Yes, sir.
- Q Did you ever know a person in Mississippi by the name of Calvin Campbell? A Yes, sir.
- Q Was he a white man, or an Indian? A I think he was mixed blooded, but I won't be certain.
- Q Do you know whether or not he was married? A Married?
- Q Yes? A They was married - the oldest ones - I know.
- Q If Calvin Campbell was married, did you know the name of his wife?
- A Well, I don't know none of the wives hardly, but this here -- what is his name - the Lewis --
- Q Never mind about that; I am asking you about Calvin Campbell. You say you don't know what his wife's name was? A I done forgot his wife's names; there was a heap of them.
- Q Did you ever know a person in Mississippi by the name of Alabaska? A Yes, sir.

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- Q Was that a man or woman? A It was a man.
- Q Was he an Indian? A I don't know whether he was an Indian or white man.
- Q How did you happen to know him? A Lived right there amongst them.
- Q Did you associate with him? A No, sir; I was a slave; just near about - amongst them.
- Q Did he have any children that you know of? A Not that I know of.
- Q Did you know a woman there by the name of Lucy Anderson? A Well, I don't know; I don't recollect.
- Q You don't know whether this man, Alabama, as you say, married Lucy Anderson, or not? A No, sir; I don't know about the marrying part, but I know they was there.
- Q You knew Lucy Anderson there? A Yes, sir.
- Q You just said you didn't know Lucy Anderson? A Why, I was all amongst them in the State there.
- Q I am asking you whether you knew them. It is not a question whether you were amongst them, or not? A I think it was a woman; that was her name; they had so many names, I don't know them, it's been so long.
- Q Did you know Lucy Anderson's - if you knew her at all, did you know her father? A No, sir.
- Q Never knew him? A No, sir.
- Q Do you know whether Lucy Anderson was an Indian, white person, or colored person? A White - or or half breed, or something.
- Q Did you ever know a man by the name of John Mullins? A Yes, sir.
- Q You knew him, did you? A Yes, sir.
- Q You say Alabama was a man? A Yes, sir; I think he was.
- Q Do you know whether he stayed in Mississippi? A I don't know whether he stayed there, or not.
- Q You don't know whether he stayed in Mississippi or came west with the Indians? A I don't know whether he stayed there, or what, but he was there.
- Q Did you ever know John Lewis? A Yes; worked for him.
- Q Where? A In this country.
- Q Did you know him in Mississippi? A Knew him in Mississippi.
- Q Did he live near you in Mississippi? A Yes, sir.
- Q You knew him there? A Yes, sir.
- Q Was he an Indian or white man? A He was Indian.
- Q Did he ever marry? A Yes, sir.
- Q Who did he marry - what was his wife's name? A I done forgot her name. I did know her name, but it's been so long; if I can call it - I know her name, if I can think of it.
- Q Was it Owen? A No, sir; let me see - he married a Indian woman; it was a Indian; I think it was a Choctaw - half breed, or something.
- Q She was? A Yes, sir; the old one was a Choctaw half breed, or something, but Bill Campbell married her, and he turned her loose.
- Q How old was John Lewis when you knew him in Mississippi? A He was a young man.
- Q Much younger than you? A Yes, sir.
- Q How much older were you than he? A I am older than John Lewis, I expect.
- Q This John Lewis you knew in Mississippi? A I don't know what age he was exactly, but he wasn't married yet, when he was running around there in Mississippi, but he married - I don't know

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whether he married after he come out to this country, but he married somewhere, but I worked for him seven or eight miles over here; I know him.

Q Did John Lewis have any children? A Yes, sir.

Q What were their names? A One was named Gibson.

Q What was the other one's name? A Well, I don't know.

Q Well, now, uncle Jerry, did you know John Lewis, or his wife, or family? A Old John, I knowed him; he is dead too, I think.

Q All that you knew about him was what you learned after you come to this country? A Yes, sir.

Q You didn't know much about him in Mississippi? A I knew him there too, but there was so many of them?

Q You say he had one child named Gibson? A Yes, sir.

Q Was it a boy or girl? A Boy.

Q Did you know the parents of John Lewis' wife? A No, sir; I don't know them; I don't think I know; I don't know whether he had any - I don't think he had any by the last woman; I was trying to call the name; I think he was married before that, and this here boy - and this boy, his mummy was dead, and Bill married again.

Q Who do you mean by Bill? A Bill Campbell.

Q No; I am talking about John Lewis now? A Well there was --

Q Now, you answer my questions. I asked you if you knew John Lewis' wife in Mississippi? A Yes, sir; I knowed the wife he had.

Q What was her name? A Nancy, I think.

Q Did he have any children by that woman? A I think he had Gibson. I think it was Gibson.

Q Did you ever know a woman in Mississippi by the name of Betsey or Shumah? A No, sir; I don't know.

Q And never knew her? A No, sir.

Q Did you ever know whether John Lewis had two boys by the name of Lem and Mish? A Well, you just want to find out --

Q Just answer my question! Did John Lewis that you knew in Mississippi, have two boys by the name of Lem and Mish? A Well, that I don't know.

Q You said you didn't know the parents of John Lewis' wife - John Lewis' wife's mother and father. You didn't know them, did you?

A Well, there was so many of them, I --

Q You didn't know them, did you? A No, sir; I just know John Lewis' connections right in here since he come here.

Q The John Lewis that you knew come to the Indian Territory?

A Yes, sir.

Q Do you know whether he registered in Mississippi and took land there? A Yes, sir.

Q Did he? A Oh, yes sir.

Q He took land there? A Yes, sir.

Q I thought you said he come to this country? A He sold the country; the Indians sold the country.

Q Did he go to the Indian Agent there and say he wanted to stay in Mississippi? Did he do that? A I don't know whether John Lewis done that or not. They --

Q I am asking about John Lewis; confine this to him. You say you don't know whether John Lewis registered to take land there in

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- Mississippi, or not? A No, sir; I don't know.
- Q Where did John Lewis die? A About eight miles from here.
- Q He was the same man you knew in Mississippi? A Yes, sir.
- Q Then, you don't know whether he took land in Mississippi or not, do you, uncle Jerry? A Well, I don't know.
- Q You knew that he didn't die on the land in Mississippi? A No, sir; he died here, and I think his son died here too.
- Q Did you know a man in Mississippi by the name of Lush-pe-o?
- A Well, I don't know, sir.
- Q You didn't know him, did you? A I don't think I did.
- Q Now, Jerry, I have an affidavit I am going to read. It is as follows:

"Personally appeared before me, the undersigned authority, Jerry Colbert, who after being by me duly sworn according to law deposes and says under oath: That his name is Jerry Colbert; that he resides in the Chickasaw Nation, Indian Territory, and that his post office is Kemp, Indian Territory. Says that he does not know his age, but that he lived in the Choctaw Nation, Mississippi when the Dancing Rabbit Creek Treaty was made in 1830, between the United States and the Choctaw Tribe of Indians, and was nearly grown. Affiant further says that he is a Choctaw Freedman and enrolled as such by the Commission to the Five Civilized Tribes. Affiant says that he was raised in Mississippi and emigrated from Mississippi to the Chickasaw and Choctaw Nations in the Indian Territory, with the Choctaw Indians about two or three years after the Treaty of 1830; I am blind, can hardly tell day from night, and have been for a year or more. I was acquainted with a great many Indians in Mississippi, but with very few white people. I was well acquainted with a Choctaw Indian named Ispia, who the white people called Owan Conerly, but his name was Ispia. I was also well acquainted with Calvin Cammel and his family. He first lived with a woman named Alabama, and they had one boy, Neel, and he married Lucy Anderson, a daughter of old Sam Anderson, a full blood Choctaw. Alabama then married John Mullings; Alabama stayed in Mississippi and took land under the 14th article. I was well acquainted with John Lewis, a Choctaw Indian and his wife, Betsey, or Shamah; they were not hardly grown at the time of the Treaty; they had two boys, Lem and Miah. I knew the parents of John Lewis's wife. They registered to stay, and became citizens of the state and took land under the 14th article of the treaty of 1830; they lived and died on the land. Shamah or Betsey, Miah, Lucy and Sam were the children of Lush-pe-o, who took land. They had four children, three girls and one boy, Shamah or Betsey, Lisa, Lucy and Sam."

- Did you swear to that affidavit? A What?
- Q Did you swear to that affidavit? A Yes, sir; I told them what I knew.
- Q Did you swear to that affidavit? A Yes, sir; he swore me here.
- Q Was it read to you? A That I can't tell.
- Q Who was it came to you about this matter? A I don't know the person.
- Q Did you touch the pen, or anything? A Yes, sir.
- Q You touched the pen? A Yes, sir.

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- Q Can you tell me what this man asked you who came here? A He asked me about the same questions you have asked me.
- Q But you can't say now, uncle Jerry, that you swore to this affidavit exactly as I read it to you? A I couldn't understand like you.
- Q You told me, Jerry, when I asked you some questions, that you never knew a person in Mississippi by the name of Lush-pe-o. Now, according to this affidavit, you have sworn to, you state you did know Lush-pe-o? A Now, I don't know all of them now like I did then.
- Q Uncle Jerry, you are not in the habit of swearing to things unless you knew them? A I wouldn't swear to a lie.
- Q You couldn't swear that you knew Lush-pe-o. Now, you are under oath, and I want you to tell the truth. You can't swear that you knew Lush-pe-o in Mississippi? A Yes, sir.
- Q You can swear that you knew him? A I knowed him there; I knowed all of them.
- Q I want you to place Lush-pe-o; was Lush-pe-o a man or a woman?
- A I think she was a woman.
- Q You don't know anything about her, do you? A I think she was a woman; I don't know what her husband was named, but it was a woman.
- Q This affidavit was read over to you? What was the conversation had between you and these people when you were supposed to have sworn to this affidavit? Begin at the start and tell us all about it; just tell about their coming out here and everything?
- A I know all about the coming out here, but I don't know about anything more than the Government moved them out from there - all them that was able - wasn't able to move themselves.
- Q Did the man have a typewriter, or machine of any kind, that he took the statements down as you gave them? A Yes, sir.
- Q How did he take them down? A That I can't tell; I can't read or write.
- Q How do you know he was taking them down? A That I can't tell. I don't know whether he was taking them down, or not.
- Q Did he ask you the questions very rapidly, as fast as I am asking them? A Yes, sir.
- Q Do you think he could write the questions down as fast as he asked them? A No, sir; I don't think.
- Q He came right out here and read the papers over to you? A You are not the same man that was here the other day?
- Q No, sir; we are not. What did you think you were swearing to when you thought you were swearing to this affidavit? A I thought I was telling the right thing. I wasn't wanting to swear to the wrong thing.
- Q As a matter of fact, uncle Jerry, did you ever swear that you knew a Choctaw Indian by the name of Ispia, when the white people called Owen Conerly? A I swore that.
- Q You told me when I asked you a while ago, you said Ispia was a woman? A Well, she was married. She was married a good long while.
- Q This affidavit states that he was a man? A That he was a man?
- Q Yes? A Well, he was married, wasn't he?
- Q You say he was a woman; this affidavit states you swore he was a man. This affidavit is a mistake, isn't it; it is not so?
- A (No answer)
- Q Before you didnot swear in this affidavit that you knew 0

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- Ispia, whom the white people called Owen Conerly, and that he was a man? A Yes, sir.
- Q You didn't swear to that? A No, sir.
- Q That was a mistake? A No, sir; not that I know of. I don't think I did, but I knew she was a woman.
- Q You knew a woman by the name of Ispia, and you never knew a man by that name? A No, sir.
- Q Did you ever know Calvin Campbell? A Yes, sir; I knowed him.
- Q You are positive about that? A Yes, sir.
- Q You said you didn't know a party by the name of Alabaska, didn't you? A I don't think I did, - let me see; well, I don't know.
- Q Did you ever know a woman that lived with Calvin Campbell?
- A Yes, sir.
- Q What was her name? A I don't know her name.
- Q Do you know whether Calvin Campbell had more than once woman living with him? A I think he had more than one.
- Q How many did he have? A I don't know how many he had, but more than one.
- Q Did you ever know a woman by the name of Lucy Anderson? A I don't know.
- Q I am going to ask this question: In this affidavit you state, "I was also well acquainted with Calvin Campbell and his family. He first lived with a woman named Alabaska and they had one boy, name Neel? A I know that, but then I - that's been so long.
- Q You can't swear to that? A No, sir; I couldn't swear to that, but then, it's been so long, I might forget.
- Q But you couldn't swear to that at this time? A No, sir.
- Q Now, I will ask you this question: Do you know whether or not Alabaska ever married a man by the name of John Mullings? A I have heard of John Mullings, but I don't recollect him.
- Q That's wrong too in this affidavit, is it? A I reckon; I don't know.
- Q If you could not have sworn to that a month ago, you could not swear to it now? A No, sir; what I swore to once I would swear to again.
- Q You never swore to that, then? A Not that I know of.
- Q Not knowing Alabaska, you couldn't say whether she stayed or took land in Mississippi? A I don't know whether they took land or not, but I know they sold out their land.
- Q You couldn't say whether Alabaska took land or not? A That I couldn't say.
- Q This affidavit is wrong in that particular, is it? A I don't know, sir.
- Q He has had you swear in here that Alabaska stayed in Mississippi and took land under the fourteenth article? A I don't know, but that's what they say.
- Q You don't know it yourself? A No, sir.
- Q You were well acquainted with John Lewis, a Choctaw Indian, and his wife? What was his wife's name? A I think his first wife's name was Nancy.
- Q What was his second wife's name? A That's the one I was trying to call a while ago. I knew the name, my man married her and quit her.

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- Q Did you know John Lewis after he come to this country? A Yes, sir; and his brothers.
- Q Did you know him in Mississippi? A Yes, sir.
- Q Knew him here? A Yes, sir.
- Q Do you know about how long after the treaty was made, he come to the Territory? A I don't know, sir; I think he come --
- Q You never knew the parents of John Lewis' wife; John Lewis' wife's mother and father? A I knowed his mother-in-law, Nancy.
- Q Did she come west with the other Indians? A Yes, sir.
- Q Did her husband, John Lewis' father-in-law come west also? A Yes, sir; he is dead.
- Q He died in the Territory, did he? A Yes, sir, and Bill Lewis.
- Q They have had you swear this way: "I knew the parents of John Lewis' wife. They registered to stay and become citizens of the States under the fourteenth article of the treaty of 1830; they lived and died on the land". That is not so, is it? They come to the Territory, you say? A Some of them did.
- Q I am asking you about John Lewis' father-in-law and mother-in-law?
- A I think John Lewis - he must have died - his daddy must have died.
- Q Not John Lewis' father, but his father-in-law - John Lewis' wife's father. You never knew them? A I knew them all.
- Q I am asking you particularly? A I knowed all them people.
- Q You knew John Lewis' wife's father? A Bill Lewis, wasn't it.
- Q I say John Lewis' wife's father; not John Lewis' father, but John Lewis' wife's father? A Well, I don't know; it's been so long.
- Q Well, then, this affidavit is wrong when it says you knew the parents of John Lewis' wife? A I knowed them then, but I have forgot them almost. A heap of them died before they moved here, but then they had the land.
- Q You say that John Lewis' wife's parents come to this country? A
- A Yes, sir.
- Q And they didn't stay in Mississippi and take land? A That was the treaty when the land was sold.
- Q They came out here with the rest of the Indians? A Yes, sir.
- Q Then this affidavit is not so when you say I knew the parents of John Lewis' wife, they registered and stayed and took land under the fourteenth article of the treaty of 1830. They lived and died on the land? You never swore to that? A I couldn't swear to that, because I don't know where the land is.
- Q Did you know a person in Mississippi by the name of Lush-pe-o?
- A Yes, sir.
- Q Was Lush-pe-o a man or woman? A Man.
- Q Did Lush-pe-o have any children? A That I don't know.
- Q You don't know whether he had any children or not? A No, sir.
- Q Then, this affidavit is not so when it states that they had four children, three girls and one boy, Shamah or Betsey, Eliza, Lucy and Sam? A They was at the land sales.
- Q You don't know whether Lush-pe-o had these children? A That I don't know.
- Q At the time you swore to this affidavit, did you know exactly what you were swearing to? A Yes, sir; I knew all them people there, but I didn't study things like I did then; I was young and kept notice, but it's been so long, I don't recollect all these things.
- Q I will ask you again; was this affidavit already filled in when the

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- when the man come out here? A No, I don't think he was.
- Q Did he have to write it out? A That, I don't know.
- Q You don't know whether he wrote it out or not? A I don't know.
- Q Did you touch the pen at all? A Yes, sir.
- Q How long did he stay when he was here? A He didn't stay long.
- Q About how many minutes? A About two or three hours.
- Q Whose pen did he use? A He used his own, I guess; I didn't have any.
- Q Did you get a table here for him to write on? A No, sir; I didn't; I couldn't say. I don't know what he writ on.
- Q You don't know whether he drew the affidavit here or not? A That I don't know; I can't see you know.
- Q But if he had waited to write it out, you would have known. What do you think about it; do you think he wrote it out after he came here, or had it written when he came here? A I think he writ it after he come here. My boy knows; I don't know - he was here. I could see a little bit, but not enough to do me much good.
- Q Did he write out the affidavit here with a pen or on a machine?
- A That I can't tell.
- Q If he had written it on the machine, you would have heard it?
- A Yes, sir; I don't know what he wrote it on.
- Q You don't know whether he wrote it here, or not? A He was writing here, but I can't tell whether he wrote all or not.
- Q Can you tell about how long he was writing? A He was writing some time.
- Q Uncle Jerry, was anything given you at the time you made this affidavit? A He give me some money.
- Q How much did he give you? A I think he give me two dollars.
- Q Who gave you this, Mr. Fowler, or the other man? A I didn't know one from the other, but that's what they paid me; they paid me - I think it was two dollars and ninety cents, or something like that.
- Q What did he say when he gave it to you? A He said he would pay me for what he had done; that's all I know.
- Q He came right here to the house; you never left the house, did you? A No, sir.
- Q He come right here? A Yes, sir.
- Q Was anything said to you, if you were asked about these affidavits or anything, as to what you should say? A No, sir.
- Q Have you made very many affidavits lately, Uncle Jerry? A No, sir.
- Q You never made very many lately? A No, sir.
- Q About how many affidavits have you made? A I haven't made none lately.
- Q How many men came out here Uncle Jerry when this affidavit was made?
- A Here the other day?
- Q Yes? A There wasn't but two that I know; I heard two; I didn't see them.
- Q That was the man who questioned you and the man who swore you?
- A Yes, sir.
- Q Do you know Lewis Mantooth? A Lewis? No, sir; I don't think I know him.

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- Q Do you know whether it was Mr. Fowler or the other man that asked you to touch the pen - held it to you? A I don't know.
- Q Was it the man that was here this morning with us? A One talked like him; there was two of them here.
- Q Just before you touched the pen - before you signed it by mark, did they read it over to you as I did a little while ago?
- A Yes, sir; they read it over.
- Q Read the entire portion of it? A Yes, sir.
- Q And you swore to it then? A Yes, sir, that's it.
- Q You didn't mean to swear to it, did you? A I tried to swear to what was right.
- Q A lot of things in there, so incorrect - you didn't know those things were in there? A No.
- Q They didn't read that portion of it to you? A I don't think they did.
- Q All they read to you was what you were able to swear to? A Yes, sir; that's all.
- Q You are positive about that? A Yes, sir.
- Q Did you ever know a Letitia Cenerly? A I don't know that I did. I think the man called his name here to.
- Q The man that was out here? A Yes, sir.
- Q Did you ever know a Gellen Cenerly? A Yes, sir.
- Q Was he a man or woman? A Man.
- Q Was he a white man? A I can't tell that.
- Q Do you know whether he ever married or not? A I can't tell; there wasn't many white in here then.
- Q Did you ever know a man or woman by the name of Pelly Starnes?
- A I don't recollect it.
- Q Did you ever know a woman by the name of Mary Wilkinson? A I have heard of that name, but I never seen it.
- Q Did you ever hear of a person by the name of Pelly Cenerly?
- A Yes, sir; I knowed a family by that name, but I never was a mongst them; have heard people speak of Pelly Cenerly.
- Q Was Pelly Cenerly a man or woman? A A man.
- Q Did you ever know a Mary Cenerly? A No, sir; I don't recollect that.
- Q Did you ever know a person in Mississippi by the name of Tissue?
- A I don't think that I did.
- Q Did you ever know a person by the name of Eliza Cenerly? A Yes, sir; have heard them talk of that; I have been amongst them, but I don't know them now; I know the names in there.
- Q Was Eliza Cenerly an Indian? A Yes, sir.
- Q How much Indian? A I don't know how much Indian she was.
- Q Did you ever --? A She had Indian in her.
- Q Did you ever know a Jesse Ball? A Jesse?
- Q Yes? A I don't recollect.
- Q Don't recollect that? A No, sir.
- Q Did you ever know a Luke Cenerly? A Yes, sir.
- Q Was Luke Cenerly a man or woman? A Man.
- Q An Indian? A Yes, sir.
- Q About how much Indian? A I don't know how much Indian he was, but he was Indian.
- Q What was his color; was he light or dark? A He was -well, he was pretty light then.
- Q What kind of hair did he have? A Sandy hair.

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- Q Did he have high cheek bones, or any of the facial characteristics of an Indian? A Yes, sir.
- Q And yet he had sandy hair? A Yes, sir.
- Q Did he look like an Indian? A Yes, sir.
- Q That's rather an unusual thing for an Indian to have sandy hair?
- A Yes, sir.
- Q But you recollect distinctly that he was an Indian and had sandy hair? A Yes, sir.
- Q Do you know how old he was when he lived in Mississippi? A He was a man then.
- Q Did you know William Conerly? A There was so many of them, I don't know them all.
- Q You can't place any of them people in your memory, can you, uncle Jerry? A Not many of them - some of them.
- Q Did you know a James Conerly? A Yes, sir; he used to live close to me.
- Q Was James married? A Yes, sir.
- Q What was his wife's name? A I don't know his wife's name, but I know he was married.
- Q Did he have any children? A I think he had one or two when I left there.
- Q How old were the children? A I don't know, sir.
- Q You don't know, as a matter of fact, that he had one or two children; you are just guessing at it; you don't know, as a matter of fact that he had them? A Yes, sir; they was brought up to the council what they had there.
- Q Do you know Mary R. Johnson? A No, sir; I don't know her.
- Q This man that gave you the money when you made these affidavits, uncle Jerry, was he ever here before? A Not that I knows of. I never seen him before.
- Q Did he tell you his purpose in coming here? A Yes, sir.
- Q What did he say he wanted? A He said he wanted to find out the heads of the Lewis, I think.
- Q That's all he asked you? A Yes, sir.
- Q And you told him of the heads of the Lewis as you knew? A Yes, sir.
- Q That's the only thing he asked you about? A Yes, sir; the Lewis - he wanted to get the old members of the Lewis, and I told him I knew them here.
- Q You only knew them living here? A I knowed them living --
- Q Did I understand you to say, uncle Jerry, that old John Lewis came to the Territory in the same party which you were in?
- A Yes, sir.
- Q Brought his wife with him, did he? A Yes, sir.
- Q You don't know whether his wife's father or his wife's mother came in that party, do you? A There were so many on the road, I couldn't tell you, but they was all on the road when we come out.
- Q You say this other man was out here about two or three hours?
- A Yes, sir.
- Q Just asked you about John Lewis people? A Yes, sir.
- Q Didn't ask you about any one else? A That's what he said he wanted

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- to find out, was the head of John Lewis, and I told him he was dead; his brother is living up here on the old Boggy somewhere; I knowed his brother Bill Lewis and Jake Lewis; the other one is a black-smith; I don't know his name.
- Q You never knew John Lewis' wife's father, did you? A I think she was a Choctaw.
- Q But you didn't know her? A No sir.
- Q What makes you think she was a Choctaw, uncle Jerry? A Bill had Choctaw blood in him.
- Q You think he got that from his mother? A That's what I think.
- Q That's the only reason you think his mother was a Choctaw? A He is a Choctaw.
- Q I want to ask you about John Lewis' wife; what was her name? A Nancy, I think.
- Q Did you know Nancy's father? A No, sir; I didn't know his name; I have been to the house where he was.
- Q What blood was he of, Indian, whiteman, or negro? A He was Indian.
- Q About how much Indian? A About a half breed.
- Q You don't know his name? A No, sir, don't know his name; don't know nothing about -- Jack, and John Lewis and Bill Lewis -- that's all I know of them -- young ones.
- Q Did you know Nancy's mother? A No, sir.
- Q You didn't know her at all? A No, sir, didn't know her mother, but been to her house and stayed there all night.
- Q Did Nancy's father and Nancy's mother come west with the rest of you? A Yes, they come out to.
- Q And took land here? A Yes, sir.
- Q How close did they locate to you here in the Territory after coming from Mississippi? A I don't know -- let me see -- it's near twenty five miles from here to Blue -- thirty five miles, and then it's ten or twelve miles from there to Brushy; they lived right on the big road to Fort Smith, and John Lewis, - Bill Lewis, lived right on this side; Nancy lived on the other side - his mother - they lived on the other side.
- Q Did Nancy's mother and Nancy's father stay in Mississippi up until the time of their death? A Yes, sir.
- Q They died here, both of them? A Yes, sir.
- Q Never went back to Mississippi? A No, sir.
- Q You were more or less intimate with the Lewis family after coming here? A Yes, sir.
- Q Who brought you here to this country? What was your master's name? A Cepeland; he brought us out to Tennessee, and then he brought us out to Mississippi, and then we was brought out then by the whites to the land sales, and the whites bought us you see.
- Q Did you ever hear of Colonel William Ward when you were in Mississippi? A I don't recollect it.
- Q Did you ever know a white man, a government official there, by the name of Martin; did you ever hear of him? A I heard of him at the council that they had; they had big councils there for four or five weeks at a time.
- Q How many did they have? A A heap every year.
- Q Were you at the council of Dancing Rabbit Creek? A Yes, sir; I was a boy; my master went there and old Lewis Gilbert.
- Q Did you see Nancy Lewis, John Lewis' wife - did you see her mother or father?

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er father at the council when the treaty of Dancing Rabbit Creek was made? A All of them was there, you might say; there was so many went there, I don't know one from the other, and I can't tell them all.

Q Did you see any of them register there and say they were going to remain in Mississippi and take land? A Yes, sir.

Q How did they do it? A I don't know.

Q You didn't see them do it, but you heard them say they were going to do it? A Yes, sir.

Q You were not concerned about it, and didn't pay much attention to it? A No, sir.

Q Being a slave, it didn't concern you much? A Didn't concern me at all.

Q Do you know of anybody who did register and take land in Mississippi? A No, sir, I don't.

Q Don't know of anybody? A No, sir, I don't. Now, the man who brought us out to the council his name was Copeland, and Copeland sold us to a Carter; I recollect what he got for us.

Q When Mr. Fowler swore you the time he was out here - not this time, the other time - tell me what he said to you? A Well, that - I don't know that I could tell all that

Q Did you put your right hand up? A Yes, sir.

Q And they handed you the pen, and you touched the pen? A Yes, sir.

Q When this lawyer came out here he told you he wanted to talk to you about the heads of the Lewis family? A Yes, sir, and I told him that was all I knewed about it.

Q When he read this affidavit you didn't hear him say anything about Isipia, Alabasha, and Lem and Miah? A Yes, sir; he spoke of them.

Q Did you tell him that you knew these people? A I knewed them.

Q Didn't you tell me a while ago that you didn't know them? A I wasn't acquainted with them, but I lived right there amongst them.

Q How did you know these people? A I knewed them by the nation of them.

Q Did they tell you they lived in Mississippi at that time?

A Yes, sir.

Q And if they lived in Mississippi at that time, you knew it?

A Yes, sir.

Q That's the only way you could know them? A That's the only way I could know them.

Q As soon as they told you these people lived in the Choctaw Nation in Mississippi in 1830, you said you knew them, because you knew everybody that did live there? A Yes, sir; since that I don't know none of them except the old heads that's out here, and none of them are here now.

Q You have forgotten who these several people's husbands, wives and children are? A Yes, sir. That's been a long time, I don't want to go any further than I know; I have been to the house of some of them and that's all I know. Went out to Fort Smith and stay there all night going and coming.

Q Did you ever know a Mary R. Warren? A Well, I don't know; I don't think I did; that's gone out of my remembrance it's been so long. I used to know them all back in Mississippi and here too.

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- Q Did you ever know a woman by the name of Sallie Berryman? A I heard of her; never seen her.
- Q Did you ever know a woman by the name of Sallie Campbell, or Camnell? A I learned of them, but I never seen them.
- Q Did you ever know Sallie Campbell's father? A No, sir, I didn't know her father, but I knowed the young set of them.
- Q Did you ever know her mother? A She was a Choctaw; - I guess she was.
- Q Did you ever know her? A Yes, sir.
- Q What was her name? A I don't know her name; I just know the family.
- Q How do you know she was a Choctaw, if you didn't know her?
- A I heard her name called at the sales.
- Q What sales? A When the white people were down at the council.
- Q Do you know she was an Indian? A Yes, sir.
- Q How much Indian was she? A Half breed I think.
- Q Do you know what her husband's name was? A No, sir; I don't.
- Q You never knew a man by the name of Campbell in Mississippi?
- A I knowed a man by the name of Campbell there, but I never seen him
- Q What was his name? A Which.
- Q Campbell's first name? A I don't know his name; I heard them called at the council.
- Q What was the purpose of calling these names; what did they do that for? A I don't know.
- Q Did they call them at every council? A Yes, sir.
- Q You never saw this man Campbell? A I saw one of the Campbells; I don't know which, whether it was the daddy or the son.
- Q Did you ever know Neel Campbell? A No, sir, don't think there was; I forgot his name; it was a curious name; there was one of them there at the council.
- Q It wasn't Calvin Campbell? A That was the one.
- Q Did you know Calvin Campbell? A Yes, sir; I think he was.
- Q What children did he have? A I don't know about how many of them.
- Q Were they girls or boys? A Girls and boys too, I think; I would n't be certain about it; I think he had girls and boys.
- Q But you don't know--? A I don't know exactly how many he had.
- Q You never knew Calvin Campbell's wife? A No, sir, Cepeland fetched us to the house; Cepeland brought us over in the night, and we stayed there all night, and then he carried us on to the sale.
- Q Did you ever know anybody in Mississippi by the name of Shamuh?
- A No, sir.
- Q Sometimes called Betsey? A Betsey?
- Q Yes? A I have heard talk of her; never seen her though.
- Q You don't know anything about her? A Don't know nothing about her, but heard her name called.
- Q You don't know whether she had any children or not? A No, sir, don't know whether she had any children or not.
- Q The John Lewis that you knew in this country - what was his father's name? A I'll be dogged-gone if I haven't for got his name. It's been so long, I forgot his name; John Lewis used to tell me the name when I worked up here; he used to tell me all about his family.
- Q That was after you came to this country? A Yes, sir; I don't know none of the Lewis now but Jack Lewis, and Bill Lewis, I think he was a black-smith; I stayed at his house ever night when I was coming from Brushy and going to Port Smith; Nancy lived on the

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- other side of the road, and there was George Lewis, too; George was with his mother when I left there and come up here, but Jack Lewis and Bill Lewis -
- Q You are a Choctaw Freedman, are you? A Chickasaw Freedman.
- Q And you have been enrolled by the Commission? A Yes, sir.
- Q How long have you been pretty near blind, uncle Jerry? A About two years, or pretty near two years.
- Q Can you speak any Choctaw or Chickasaw? A No, sir; all the people I lived with talked English all the time; they talked their language and they talked English to me.
- Q You told me you associated most of the time with the Indians?
- A Yes, sir.
- Q Could the Indians, most all of them, talk English in Mississippi in 1830 - away back in 1830? A Yes, sir.
- Q You haven't learned any Choctaw or Chickasaw at all? A No, sir.
- Q In Mississippi, uncle Jerry, did John Lewis have any children?
- A No, sir.
- Q No children in Mississippi? A No, sir, didn't have none.
- Q Did he have any children after he came to the Territory? A Yes, sir.
- Q How many? A I don't know how many he had; I don't know.
- Q Do you know the names of any of them? A No, I don't know the names of the young ones.
- Q Never knew their names? A I knew Bill Lewis.
- Q Who was Bill Lewis? A He was John Lewis' brother, and Jack Lewis, and got one, George.
- Q Do you know of any John Lewis who stayed in Mississippi and didn't come west with the Indians? A No sir, I don't know; there was a good many of them left back there.
- Q Do you know whether any of John Lewis' wife's people stayed there?
- A Some of them stayed, and some of them come out.
- Q Who stayed of John Lewis' people? A I don't know.
- Q How do you know uncle Jerry that any of them stayed? A (No answer)
- Q How do you know any of John Lewis' wife's people stayed in Mississippi? A We come by them.
- Q But you don't know who it was? A The people I was with knowed that they were the Lewis.
- Q Knew they were Lewis connections? A Yes, sir.
- Q But didn't know what connection they were to his wife? A Yes, sir.
- Q They stayed there with the Lewis? A Yes, sir.
- Q And were not in your party? A They were in our gang, and he was sick with the small-pox, and he stopped over at Little Rock.
- Q Uncle Jerry who was the oldest you or John Lewis? A Why, I was older than John Lewis.
- Q How much? A Not much.
- Q Was he a boy or a man when you left Mississippi with him?
- A He was a boy.
- Q About how old? A He was about twenty or twenty five; but I knowed John Lewis ever since he was twenty years old.
- Q How long has it been since you saw John Lewis? A It's been; I reckon it's been some eight or ten years.
- Q Could he talk the white language? A Yes, maybe could talk the white language.

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- Q Could he talk it as well as you do now, uncle Jerry? A Yes, sir, he could talk; used to go around with the whites.
- Q What was that again? A He would go around with them and interpret for them.
- Q In Mississippi? A No, sir; out here.
- Q How long ago was it to the best of your knowledge when he interpreted for the whites out here? A It must have been - I think it's been about twenty five or thirty years.
- Q Did you ever know any other than one John Lewis? A Didn't know but Bill.
- Q You didn't know but one John Lewis? A Didn't know but one John Lewis.
- Q He was the Indian? A Yes, sir, he was Indian, John Lewis, and Bill Lewis and Jack Lewis and George Lewis; that's what I knowed. I don't know whether George is living yet or not; he was living when I went to Fort Smith to deliver some goods.
- Q Did you ever know, uncle Jerry, a John Lewis in Mississippi who was a nephew of the John Lewis who lives up here near Caney?
- A No, sir.
- Q Never knew him? A No, sir; but John Lewis had a heap of folks there; I know that. They was at the council. Whenever they had councils they was there.
- Q John Lewis hasn't a son by the name of John Lewis, has he? A No, sir.
- Q Did you ever know a man in Mississippi by the name of George Clark?
- A I have heard of him; never seen him.
- Q Was he an Indian, white man or colored man? A He was a half breed or something.
- Q Don't know what his nationality was? A No, sir.
- Q Did you know any of his connections? A No, sir.
- Q Wife, children, or any? A No, sir, didn't know any of them.
- Q You never saw George Clark? A No, sir, didn't saw him; he was at the council, but there was so many at the council, white people and Chickasaws and Choctaws - all there.
- Q The only John Lewis you ever knew, I believe you stated, was the one who came and located up here near Caney, in Indian Territory?
- A Yes,, and Bill Lewis was John Lewis brother. And his mother, Nancy?
- Q What was the name? A Nancy.
- Q You never knew a person by the name of Shumah in Mississippi?
- A Yes, sir, I knowed them too.
- Q Who was Shumah? A man or woman? A I think he was a man.
- Q How do you happen to remember him? A Just by people going around and talking.
- Q You just remember having heard Shumah's name mentioned as a man?
- A Yes, sir.
- Q Was he an Indian? A I don't know whether he was a Indian or white man; its been so long since, I can't tell; it's gone out of my remembrance, a heap of them; I was amongst them all the time.
- Q Did you ever know a woman by the name of Frances Wren? A No, sir, I don't know that I did.
- Q Did you ever know a man by the name of Lem Lewis? A Heard talk of him.

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- Q Did you ever know a woman by the name of Amanda Lewis? A Heard talk of them, but never seen them. I don't know whether she was Choctaw, or not.
- Q Don't know anything about her? A No, sir.

F. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported infall all proceedings had in the above entitled cause at Eup, Indian Territory, on the 20th day of July, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. J. Reed

Subscribed and sworn to before me at Muskogee, Indian Territory, this 10th day of July, 1902.


Acting Chairman.

SECRET

Washington, D.C., January 27, 1944

Dear Sir:

Very truly yours,

Handwritten signature: Arnold J. B. 7/4/44

Enclosed is a copy of the letter from the War Relocation Authority, dated January 26, 1944, regarding the application of the War Relocation Authority for the War Relocation Authority. The letter is being forwarded to you for your information and for your application for the War Relocation Authority.

The War Relocation Authority is a Federal agency which is authorized to receive and process applications for the War Relocation Authority. The War Relocation Authority is a Federal agency which is authorized to receive and process applications for the War Relocation Authority.

Sincerely yours,

Director of War Relocation Authority

Washington, D.C., January 1, 1953

Dear Mr. [Name]:

Enclosed for you are [Number] copies of [Document Name].

Very truly yours,

[Name]
[Title]
[Organization]
[Address]
[City, State, Zip]

Enclosure

[Name]
[Title]
[Organization]
[Address]
[City, State, Zip]

The enclosed report was prepared by [Name] of the [Organization] and is being submitted to you for your information.

[Name] has been working on this project since [Date] and has completed the report on [Date]. The report contains a detailed description of the [Subject] and includes a list of references. It is hoped that this report will be of interest to you.

Very truly yours,

[Name]
[Title]
[Organization]
[Address]
[City, State, Zip]

Page 1

THE UNITED STATES OF AMERICA
DO hereby certify that the following
is a true and correct copy of the
original as the same appears on file
in the office of the Secretary of the
Interior.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Department of the Interior at Washington, D. C., this 1st day of January, 1901.

Very truly yours,
Secretary of the Interior.

Approved: _____

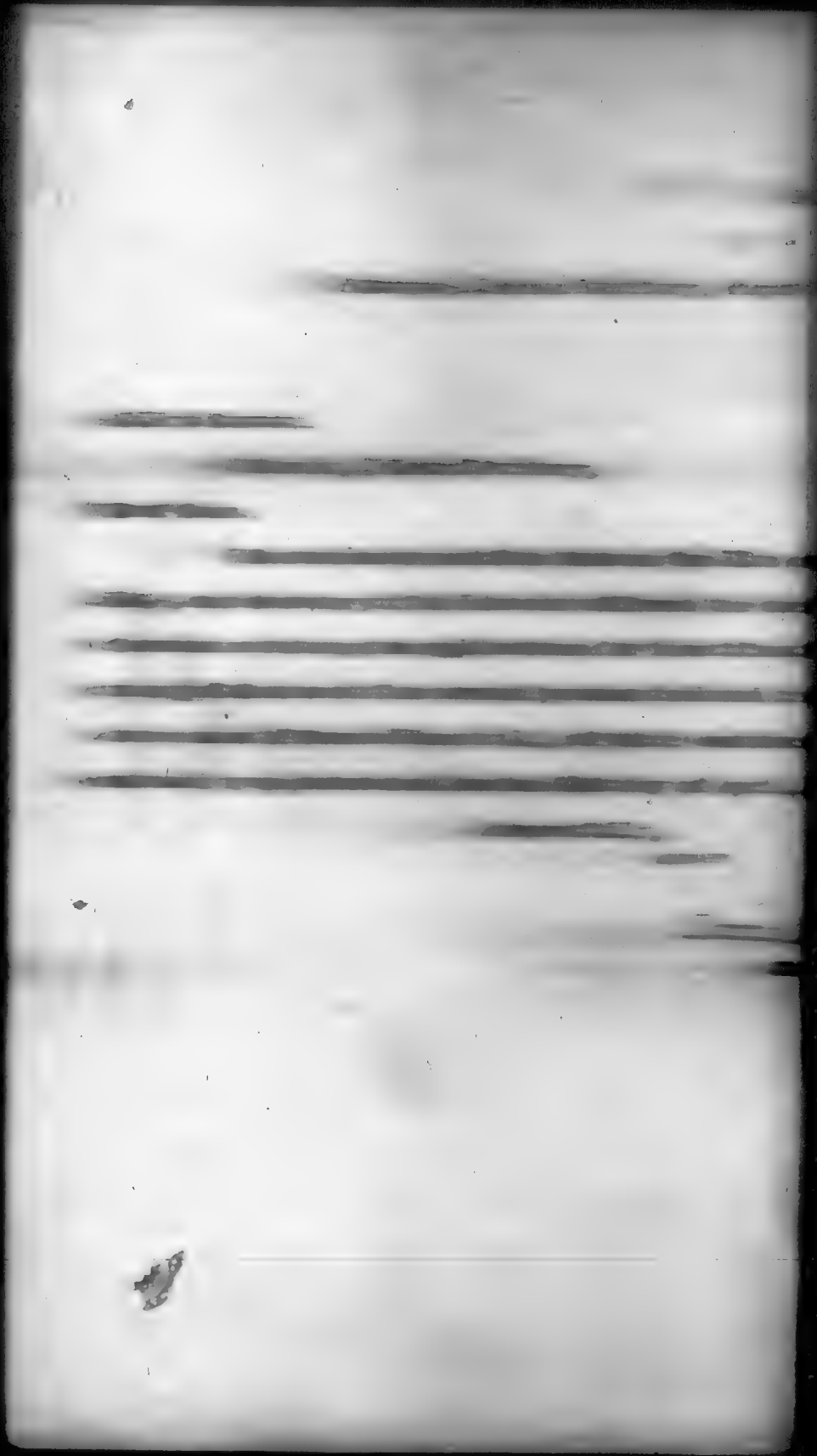
Special Agent in Charge, _____

Assistant Secretary, _____

RECORDED

INDEXED

1901



10-1-1944

MEMORANDUM FOR THE RECORD

SUBJECT: [illegible]

REFERENCE: [illegible]

1. [illegible]

2. [illegible]

[illegible]

[illegible]

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The second part of the report contains a list of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The third part of the report contains a list of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

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The fifth part of the report contains a list of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

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The ninth part of the report contains a list of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The tenth part of the report contains a list of the various projects and the results achieved. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

... was the oldest one, and Eliza, Lucy and Sam. I don't remember their Indian names just now but they had some.

Int. 11.

As you have stated that John Lewis and his wife, Shamah, were among the first to land on the Red Creek treaty land, now if the parents of Shamah or Petsey were registered by the United States Agent and took land under the 14th article of the treaty of 1830, or if not, whether they attempted or tried to register as was prevented from so doing by any one?

Ans.

Yes; Lush-pe-o, her mother, did register and I think that John Lewis, her husband, did also, but I know that Lush-pe-o registered under the 14th article of the treaty and took land to live on in Mississippi, and I know they did live on it, and they had some trouble because John Lewis did not have anything or the Government proved up something about it.

Int. 12.

Were you acquainted with the family of John Lewis? If you state how many children he and his wife Shamah had and their names.

Ans.

I was acquainted with them here; I never saw John Lewis nor his wife for several years after I left Mississippi. I only know two children that they had; they were both boys, one named Lem and the other named Wish. I understood or have been told that there were others but they are dead. I have seen Lem a number of times, and have been in his company and that of his family quite often. His father, John, was one to see him only a few years ago.

Int. 13.

If you have stated that you are well acquainted with Lem Lewis and family and that you are the uncle of his father, John Lewis, then state, if you know, what children of Lem Lewis's, if any, are residing in the Indian Territory. Please state all you know about them.

Ans.

John Lewis and wife have several children, but only two of them reside in the Indian Territory; They have been here in the Indian Territory, where they now reside, or in the same neighborhood, for the last ten or six years. Their names is Francis, who is now the wife of George Wren, and Callie, who is now the wife of George Wantooth.

Int. 11th.

As you have stated that you were acquainted with John Lewis in his life time, and that his wife, ~~Saxx~~ Samah, will you ~~see~~ state what part of Mississippi did her parents live in.

Ans.

The parents of John Lewis's wife, who was ~~Indi-ge-o~~ and George Clark, lived about the Alabama line, or just inside of the Choctaw District of Alabama.

Witness:

John Lewis
Husband

J. F. Fuller
E. B. Fuller

Sworn and subscribed to before me, and in the presence of the undersigned witnesses, by John Lewis, to be true and correct, after having the same carefully read over and explained by an interpreter.

J. B. Nelson, a Choctaw Indian, under oath, who speaks and understands both the Choctaw and English languages, and after he said John Lewis said that he thoroughly understands the contents of the foregoing interrogatories and answers, on this 21st day of June, A. D. 1904.

J. B. Nelson

Notary Public of the Central District, Indian Territory.

My commission expires February 13th, 1904.

The State of Alabama, Marengo County, ss:

Before me, Charles H. Drummond, a justice of the peace in and for the county of Marengo, and state of Alabama aforesaid, personally came and appeared Allen Stanton, of Sumter county, who, being duly sworn according to law, deposeth and saith, that he is acquainted with Lush-pe-o, a Choctaw woman, who resided near the mouth of Suckenatchie, in the Choctaw nation, (now Sumter county, Alabama,) at the date of the treaty of Dancing Rabbit creek, concluded in the month of September, 1830. That she resided with her family at the place before described, for several years before said treaty, and from that period down to the present time. This affiant further says that the said Lush-pe-o was entitled to all the privileges of a Choctaw citizen at the date of said treaty, and that she is a full blooded Choctaw woman; that she had, at the date of said treaty, ~~two~~ living with her, four children, all unmarried, two over ten, and two under ten years of age, at the date of said treaty, to wit, a girl named Betsy, otherwise called Shamah, in Choctaw, about fourteen years of age, at the date of the treaty; a girl named Eliza, otherwise called , in Choctaw, Jucha-ho-ye, about twelve or thirteen years of age; a boy named Sam, otherwise called Neck-a-chubbee, about eight years old; a girl named Lucy, about six years of age. This affiant further says, that he was present at the old Choctaw trading house, in the month of August, ~~1831~~ 1831, between the 10th and 13th of August, 1831, and saw the said Lush-pe-o apply to the agent, Colonel William Ward, and give him notice of her intention to remain and become a citizen; and requested him to register her name, and the number and ages of her children, so as to entitle them to the provisions made by the 14th article of the treaty before mentioned, and saw the said agent take down their names in writing accordingly. This affiant well remembers this fact, because Lush-pe-o did not speak the English language, and she was carried to the ~~and her request to register under the 14th article of the treaty, was communicated to the agent~~ presence of the agent by Eadeck Brashers, sen., and his interpreter. This affiant well remembers that George S. Gaines, Dr. Ward, of Columbus, and Thomas Lewis, were present at the time. This affiant further says that Lush-pe-o was the reputed wife of a white man.

named George Clark, who, from his constant habits of intemperance, is wholly unfit to attend to or transact business of any kind, and that, upon the occasion referred to, his reputed wife gave the notice of their intention to remain, and had the register of their names made by the agent, as before stated. That the said Lush-pe-o, and her family, have remained upon their land ever since, and have always believed and said they were entitled to the provisions made by the 14th article of the treaty, and that, upon the application made by the said Lush-pe-o to have her name registered under a said treaty by Colonel Martin, the locating agent, it was found that her name was not upon the register. This affiant further says, that the agent who went around for the purpose of ascertaining the quantity of acres each Choctaw had in cultivation, under the 19th article of the treaty, took down and returned the names of all heads of families as well as those who intended to remain as those who did not; and that the name of George Clark was taken down for a cultivated claim, but he always claimed the benefit of the 14th article, and he and his reputed wife have always expressed their intention to remain, and claimed the benefit of the said 14th article, and now remain upon their land, as before stated. Upon the survey of the land, the residence is upon section 22, township 17, range 1 west, in Sumter county.

ALLEN STANTON.

Subscribed and sworn to before me, November, 11, 1834.

XX C. H. DRUMMOND, J.P.

Before me, Ch. H. Drummond, a justice of the peace as aforesaid, personally came and appeared William H. Brickhotts, of Sumter county, who, being duly sworn, says that he is acquainted with Lush-pe-o, withina named. That he was present at the old Choctaw trading house about the 11th of August, 1831, and saw her apply to Colonel Ward to have her name, and the number and ages of her children, registered, under the 14th article of the treaty of Dancing Rabbit creek; that the register was made by Colonel Ward accordingly, and that she had, at the date of said treaty, four children, two under ten, and

two over ten years of age, living with her. That George S. Green was present, and interpreted for the same Lush-pe-o to the agent at the time of her registration. That she has always, from before the her treaty till the present time, lived with a family upon the land now claimed by her, and was and is entitled to all the privileges of a Choctaw citizen. She is the reputed wife of one George Clarke, who, from excessive intemperance, is unfit to attend to business of any kind. This affiant has, for several years, lived near Lush-pe-o, and known that she intended to remain upon the land claimed by her and her family, and that she has always believed her name, and those of her children, were duly registered by the agent, under the 14th article of the treaty.

WILLIAM H. BRICKHOTTIS.

Sworn to and subscribed, before me, November 11, 1834.

C. H. DRUMMOND, J. P.

I certify that I am acquainted with Allen Stanton and William H. Brickhottis, who have testified in relation to the annexed claim of Lush-pe-o, and that I consider them both entitled to credit.

C. H. DRUMMOND, J. P.

November 11, 1834
My acquaintance does not justify the expression of an opinion respecting the within subscribed witness.

Geo. W. Martin, L. Agent

CHOCTAW NATION, INDIAN TERRITORY,
CENTRAL JUDICIAL DISTRICT. }

I *A. S. Johnson* the undersigned authority do hereby certify that the foregoing is a true and correct copy of the original as it appears on page 650 of American State papers, Public Lands, Vol. 7.

A. S. Johnson
Notary Public.

CHICKASAW NATION)
INDIAN TERRITORY.)

In the case of Francis Wren et. al., and Callie Mantooth et. al., for identification and enrollment as Mississippi Choctaws; before the Commission to the Five Civilized Tribes.

Personally appeared before me, the undersigned authority, Jerry Colbert, who after being by me duly sworn according to law deposes and says under oath; That his name is Jerry Colbert; that he resides in the Chickasaw Nation, Indian Territory, and that his post office is Kemp, Indian Territory. Says that he does not know his age, but that he lived in the Choctaw Nation, Mississippi when the Dancing Rabbit Creek Treaty was made in 1830, between the United States and the Choctaw Tribe of Indians, and was nearly grown. Affiant further says that he is a Choctaw Freedman and enrolled as such by the Commission to the Five Civilized Tribes. Affiant says that he was raised in Mississippi and emigrated from Mississippi to the Chickasaw and Choctaw Nations in the Indian Territory, with the ^{Choctaw} Colbert Indians about two or three years after the Treaty of 1830; I am blind, can hardly tell day light from night, and have been for a year or more. I was acquainted with a great many Indians in Mississippi, but with very few white people. I was well acquainted with a Choctaw Indian named Ispia, who the white people called Owen Conerly, but his name was Ispia. I was also well acquainted with Calvin Gammel and his family. He first lived with a woman named Alabaska, and they had one boy, Neel, and he married Lucy Anderson, a daughter of old Sam Anderson, a full blood Choctaw. Alabaska then married John Mullings; ^{he} Alabaska stayed in Mississippi and took land under the 14th article. I was well acquainted with John Lewis, a Choctaw Indian and his wife, Betsey, or Shamah; they were not hardly grown at the time of the Treaty; they had two boys, Lem and Nish. I knew the parents of John Lewis's wife. They registered to stay, and became citizens of the state and took land under the 14th article of the Treaty of 1830; They lived and died on the land. Shamah or Betsey, Eliza, Lucy and

Sam were the children of Lash-pe-o, who took land. They had four children, three girls and one boy, ~~Sakam~~ Shamah or Betsey, Liza, Lucy and Sam.

his
X
Jerry Colbert
mark

Witness;

Louis Mantooth.

Sworn and subscribed to before me, by Jerry Colbert by making his mark, after hearing the same read over, to be true and correct, on this 12 day of June 23rd, 1902.

Seal

T. H. Fowler,

NOTARY PUBLIC.

My commission expires May 26, 1906.

CHOCTAW NATION, INDIAN TERRITORY.
CENTRAL JUDICIAL DISTRICT.

I, B. S. Johnson, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original now before me of Jerry Colbert, taken in the case of Francis Wren et. als., and Callie Mantooth et. al., for identification and enrollment as Miss-issippian Choctaws.

B. S. Johnson
Notary Public.

My commission expires February
13th, 1904.

Callie Martooth et. al.

Vs.

The Choctaw Nation.

Certified copy of records as
it appears on page 650 of American
State Papers Vol. 7.

To be used as testimony in
the above entitled case.

*And The Affidavits
of John Lewis
and
Harry Colbert
et al.*

FRAN

No. 5781

for Identification as a Mississippi Choctaw.

Date

JUN

1902

Name Callie Mantooth

Age 26

Blood ~~1/2~~ 1/8

Post-Office, Merrett L. T.

Father: ~~Lewis~~ Lewis, 1

Mother: Amanda " 1

Claims through Father & Mother
husband George Mantooth, 1st.
Indian

No claim for
husband

Children:

River " 1

Claims for self &
child -

Stenographer W. H. Martin

Choctaw MCR 5782

James T. Ryan

See MCR 4639

MCR 5782

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6, 1903.

#5782

In the matter of the application of James T. Ryan for
the identification of himself and his three minor children, Tommy
P., Fred B., and Bonnie Lin Ryan, as Mississippi Choctaws.

Frank M. Bailey, attorney for applicant.

James T. Ryan being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James T. Ryan.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Petty, Texas.
Q How long have you been living at Petty? A Since last October.
Q Where were you born? A In Calhoun County, Mississippi.
Q How long did you live in Mississippi? A Until I was twenty-one.
Q Moved to Texas went back and come here? A I have lived in the
Territory some.
Q How long have you lived in Texas last past continuously? A About
six months.
Q Where before that? A In Mississippi.
Q How long did you live in Mississippi the last time? A About
five years.
Q Is your father living? A No sir.
Q What was his name? A James Gillison Ryan.
Q Is your mother living? A Yes sir.
Q What is her name? A Mary Ann Ryan.
Q Through which parent do you claim Choctaw blood? A Father's
side.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled as a member of
the Choctaw tribe by the Choctaw tribal authorities or the
United States authorities in the Indian Territory? A No sir.
Q Do you know when and where your father and mother were married?
A They were married in Mississippi.
Q Do you know the date? A No sir.
Q Can you introduce that evidence later? A I think I can.
Q Are you married? A Yes sir.
Q What is your wife's name? A Fannie G. Ryan.
Q Is she living? A Yes sir.
Q Is she a Choctaw or white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A Three.
Q What is the name of the oldest? A Tommy P. Ryan.

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It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being amir-
ous to remain and become a citizen of the states shall be per-
mitted to do so, by signifying his intention to the agent within
six months from the ratification of this treaty, and he or she shall
thereupon be entitled to a reservation of one section or six hun-
dred and forty acres of land, to be bounded by sectional lines of
survey; in like manner shall he be entitled to one half that quantity
for each unmarried child which is living with him over ten years of
age; and a quarter section to such child as may be under ten years
of age, to adjoin the location of the parent. If they reside upon
said lands intending to become citizens of the state for five years
after the ratification of this treaty, in that case, a grant in fee
simple shall issue; said reservation shall include the present
improvements of the head of the family, or a portion of it.
Persons who claim under this article shall not lose the privilege
of a Choctaw citizen, but if they ever remove are not entitled to
any portion of the Choctaw annuity."

Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I think;

my great grandfather did'

- Q What was his name? A John Walker.
- Q What did he do to comply with article fourteen of that treaty?
- A I don't know exactly what he did; all I know about it a copy of the land patent I seen-
- Q Did you ever hear that your great grand father, John Walker, was named upon any list made by Colonel William Ward or any other authority in Mississippi? A Yes sir.
- Q What now have you that the John Walker whose name appears under Colonel Ward's register was the same John Walker whom you say was your great grandfather? A I have a proof of it; it is all ready.
- Q Do you know there is a man named John Walker whose name appears under Colonel Ward's register? A Yes sir, and I think that is the same-

The records in possession of the Commission show that on page 18 Vol. 1 of the Choctaw Nation against the United States appears a list made by Colonel William Ward, the United States Indian Agent, known as "Ward's Register", and upon that list appears the name of one John Walker, who was a beneficiary under article fourteen of the treaty of 1830. He was described as a white man with an Indian wife.

- Q Your knowledge in the matter that that John Walker is your great grandfather is rather indefinite and based upon family history and tradition? A Yes sir.
- Q Who is your ancestor who lived in Alabama or Mississippi in the old Choctaw Nation in 1830 who was the head of a family there then, who had children living there, was it John Walker or any of his descendants? A I think it was.
- Q Was Elizabeth Walker his daughter? A Yes sir.
- Q Who did she marry? A Jason Ryan.
- Q She had a son named James Gillison Ryan, was he your father? A Yes sir.
- Q And the son of Elizabeth, your grandmother? A Yes sir.
- Q Do you know whether or not he was born in Alabama? A I think he was.
- Q And was he not born before 1830? A I think he was, yes sir.
- Q Do you think his mother, Elizabeth, who had the Choctaw blood, was living in Alabama in the old Choctaw Nation and had children there in 1830? A I think so.
- Q Did any of your ancestors own any land or claim any land under article fourteen of the treaty of 1830? A I think my great grandfather, John Walker, did; I have seen that there patent.
- Q Have you seen the original patent that was granted by the government? A No sir.
- Q You saw a copy of the patent that was issued to one John Walker? A Yes sir.
- Q Did you notice that the certificate said that this John Walker was an Indian? A I never noticed.
- Q If it did state that he was an Indian do you think it was the same John Walker whom you say was a white man? A I think the duplicate of the patent said that John Walker taken up land under an Indian woman.
- Q If that patent happened to show that that John Walker, a copy of whose patent you saw, was an Indian do you think it could have been the same John Walker as your great grandfather? A I don't think it could.
- Q Did any of your Choctaw ancestors come from that old Choctaw

Nation to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.

The Indians who stayed back in the old Choctaw Nation under article fourteen of the treaty of 1830 were required to go to the United States Indian Agent and register; this they had to do within six months after the ratification of the treaty, if they wanted to take advantage of that article fourteen. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register", and this neglect caused the Indians to lose their lands in the old Choctaw Nation, because the government took it from them and sold it at the public land sales. Because of this under acts of Congress Commissions were appointed, one in 1837 and one in 1842, which went to Mississippi and heard claims under article fourteen of the treaty of 1830.

Q Did any of your ancestors go before either of these Commissions and claim benefits under article fourteen of that treaty? A Not that I know of.

The act of Congress of August 23, 1842, provided that if any Choctaw had his land taken from him in the old Choctaw Nation and was sold he was entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from the vacant government land, and that a certificate to that effect would be given him, and these certificates would be called Script.

Q Did any of your Choctaw ancestors receive any script from the government? A Not that I know of.
Q Is Alberta A. Gaines a relative of yours? A Yes sir, second cousin.
Q Do you want to have this case consolidated with hers, and her case made the head of these consolidated cases? A I guess so.

The case of Alberta W. Gaines, M. C. N. 4639, is here referred to for the purpose of consolidation of these cases.

Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything further you want to say in support of this application? A No sir, not at this time.
Q Do you want any time in which to present other testimony? A Yes sir.

Thirty days time is allowed this applicant to introduce further testimony if he desires.

This applicant has the personal appearance and physical characteristics of being descended from white parentage; he has dark blue eyes; dark brown hair, nearly black; complexion florid, somewhat tanned; and does not understand that any of

#3
his ancestors complied with article fourteen of the treaty of 1830.

W. F. Martin, being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on June 6th, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

W. F. Martin

Subscribed and sworn to before me this 7th day of June, 1902.

Charles H. Sawyer

Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5702.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

James T. Ryan,

Petty, Texas.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogan, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Lile E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileen Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delfert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooley, Clarence A. Dooley, Roy C. Dooley, William B. Dooley, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James Doby.

Chairman.

Register.

MOR-5755.

Luskooe, Indian Territory, March 16, 1907.

James T. Ryan,
Petty, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name James T. Ryan.

Age 32 - Blood 1/16

Post-Office, Peety, Tex. -

Father James William Ryan d

Mother Mary Ann " - l

Claims through father
wife. Fannie C. Ryan, l. w.

No claim for wife.

Children:

Tommy P. Ryan, "

Fred B. " 9

Bonnie L. " 6

Claims for self &
children

Stenographer W. H. Martin

Choctaw MCR 5783

Ed. H. Ryan

See MCR 4639

MCR 5783

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 6th, 1902.

5783

In the matter of the application of Ed H. Ryan for the identification of himself and his five minor children, Willis S., Vorice, Daisy, Eileene, and Ezelle Ryan, as Mississippi Choctaws.

Frank M. Bailey, Attorney for applicant.

Ed H. Ryan being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ed H. Ryan.
Q What is your age? A Thirty-four.
Q What is your post-office address? A McGee, Indian Territory.
Q How long have you lived at McGee? A About three months.
Q Where did you live before that? A In the Choctaw Nation, Indian Territory.
Q Where in the Choctaw Nation? A Near Poteau.
Q How long have you lived in the Indian Territory altogether? A Three year.
Q Where did you live before you came to the Territory? A In Texas.
Q Where were you born? A In Mississippi.
Q At what place? A In Calhoun Mississippi.
Q And from there you went where? A To Texas.
Q How long did you live in Mississippi? A I was twenty year old when I left there.
Q How old were you when you left Texas? A Four year ago would make it thirty years old.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Mary Ryan.
Q What is your father's name? A James Gilbert Ryan.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Can you tell when your father and mother were married? A No sir I can't.
Q Have you the proof of that marriage with you now? A No sir but I can get it.
Q Are you married? A Yes sir.

- Q What is your wife's name? A Rodney Ellen Ryan.
 Q Is she living? A Yes sir.
 Q She is Choctaw Indian or white woman? A White woman.
 Q Do you make any claim for her? A No sir.
 Q Have you any children you want to make application for? A Yes sir, five.
 Q What is the name of the oldest under twenty-one and unmarried? A Willis S. Ryan.
 Q Is that a boy? A No sir, a girl.
 Q How old is Willis? A Nine.
 Q The next? Vorice?
 Q Is that a girl? A Yes sir.
 Q How old is Vorice? A She was born in '94, would make her seven.
 Q What is the name of the next? A Daisy.
 Q How old is Daisy? A She is five years old, born in '96.
 Q The next? A Eileene, a girl.
 Q How old is Eileene? A She is three years old, or four.
 Q Any others? A Yes sir; Ezelle.
 Q A girl? A Yes sir.
 Q How old is she? A She is about eighteen months old.
 Q Is that all? A Yes sir.
 Q Is Rodney E. Ryan the mother of these children? A Yes sir.
 Q Are your wife and you living together with these children at your home? A Yes sir.
 Q Were either you or your wife married before you married each other? A No, sir.
 Q When and where were you married to your wife? A In '90 or '91 in Texas.
 Q Do you know what place in Texas? A In Sherman, the county seat of Grayson County.
 Q By a minister under a license? A Yes sir.
 Q Can you tell the exact day of the month and year? A It was some time in October, the first of October, I do not know the date.
 Q Have you the marriage license and certificate with you? A Not with me; I can get it.
 Q Within a few days? A Yes sir.

It will be necessary to furnish them.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities; for yourself and children? A No sir.
 Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

- Q Have you ever made application to any authority previous to the present application for the enrollment of yourself and children as citizens of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in the Indian Territory? A No sir.
- Q You now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I don't think I do.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh day of September of that year. The object of the treaty was to remove as far as practicable all the Indians who lived in the old Choctaw Nation from the old Choctaw Nation to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many of the Choctaw Indians would not go to the Choctaw Nation in the Indian Territory under the treaty, and to protect the interests of those Indians who stayed back there in the old Nation article fourteen was put into the treaty of 1830. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now don't you? A I think I do.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply in any way with article fourteen of the treaty of 1830? A I understand that my great grandfather did.
- Q What is his name? A John Walker.
- Q Was he a white man or Indian? A He was a white man.
- Q By what right did he make application? A He married a citizen.
- Q Whom did he marry? A I don't know; I supposed he married a Choctaw woman.
- Q What makes you think he married a Choctaw Indian? A I always

understood he did through my father.

Q You do not know the name of the wife of John Walker? A No sir.

Q How much Choctaw blood did she have if any? A I suppose by his talk she was a half.

Q You get your information from your father? A Yes sir.

Q Did John Walker and his wife live in the old Choctaw Nation in Alabama in 1830? A I think they did.

Q What makes you think so? A I supposed my grand father was married in Alabama and I have always supposed my father was born there.

Q Your father's name is James G. Ryan, how is he related to John Walker and his wife? A He is a grandson.

Q What was his father's name? A His father's name was Jason Ryan.

Q What was his mother's name? A Elizabeth Ryan.

Q How old would your father be if living now? A Somewhere close to seventy; he would be eighty years old I guess, I would not be positive about that, but somewhere near eighty I guess.

Q That is Jason Ryan, who is he? A Jason is my grandfather and James G. Ryan would be my father.

Q About eighty years old, and Jason Ryan and Elizabeth Ryan would be his father and mother? A Yes sir.

Q Was he born in Alabama? A Yes, I have heard him say he was born in Alabama.

Q Did he have a brother, a younger brother, named James Gillison Ryan? A He had one named Joseph and one named John Gilford.

Q He was younger? A Yes sir.

Q How old would he be if living now? A Let me see, there was a sister and brother between him and Uncle John would make about four years difference.

Q Were they all born there in Alabama in the old Choctaw Nation? A I understood they were.

Q So that Elizabeth Ryan who married Jason Ryan was your Choctaw ancestor who lived in Alabama in 1830 and had children there? A Yes sir. I understand it that way.

Q Then going back in your ancestry to Elizabeth, the wife, she was the one who had the Choctaw blood and lived in the old Choctaw Nation in Alabama in 1830, and was the head of a family there then? A Yes sir.

Q How do you know whether she complied with article fourteen of the treaty of 1830? A I have seen a copy of the patent that is supposed to be to her.

Q Issued to her? A To her father and his wife.

Q You have seen a copy of a patent that was issued to some one named John Walker? A That was supposed to be my father's grandfather.

Q What makes you think so? A He had a son named Goulsby Walker who was my father's uncle and we called him Uncle Goulsby.

Q This copy of the patent that was issued to one John Walker which you have seen was issued to a white man or to an Indian? A. It was issued to a white man I believe and a Choctaw woman, I think was the way it read.

Q Has that copy of the patent been filed here in any of the applications of relatives of yours? A I don't know; I just seen a copy of the patent; one of the boys showed it to me.

Note by the Commission: A copy of a patent that was supposed to have been issued to John Walker was introduced here in the application of James W. Ryan.

Q Is that the copy you refer to? A I suppose so.

- Q In the certificate attached to said patent it was stated that this John Walker was an Indian; if he was an Indian could it then have been John Walker, your great grandfather, your great grandfather was a white man? A He was supposed to be a white man.
- Q You swear he was? A Yes, I always understood he was.
- Q What proof have you that the John Walker, your great grandfather, was the John Walker who received that patent, a certified copy of which you have seen? A I supposed it was by the fact that it was the same name.

The records of the Commission show that on page 18 Vol. 1, of the Choctaw Nation against the United States Government appears a list, which was the authenticated list of the United States Indian Agent, Colonel William Ward, who was United States Indian Agent for the Choctaw Indians in Mississippi, which list contains the names of beneficiaries under article fourteen of the treaty of 1830, and those who complied with article fourteen of that treaty, and in that list is the name of one John Walker, who is described as having a family of seven children, and being a white man with an Indian wife.

- Q Now, have you any positive proof that that John Walker is your great grandfather? A It was only through my father; I always understood that John Ryan was named after him.
- Q You have no proof except family tradition? A That is all.
- Q But you do know, do you not, that John Walker's daughter, Elizabeth Walker, who married Jason Ryan, lived in Alabama in 1830, and had a family of children there at that time? A I do from what I know of the family record.
- Q Do you know whether she complied with article fourteen of the treaty of 1830 in any way? A I don't know.
- Q Do you know whether she owned any improvements on land in Mississippi or Alabama in 1830? A I understand she did.
- Q That is family history and tradition too? A Yes sir.
- Q The improvements she owned in the old Choctaw Nation in Alabama were upon what kind of land, land given her by the government or land she bought? A I suppose by the government.
- Q You don't know? A No sir I don't know.
- Q You know her claim would be separate and apart from the claim of John Walker, her father; he might be a claimant under article fourteen of the treaty of 1830, and his daughter, having a family of her own, might also be a separate applicant? A Yes sir.
- Q Did any of your Choctaw ancestors, either your ancestor, John Walker, or his daughter, Elizabeth Ryan, come from the old Choctaw Nation to the Choctaw Nation in the Indian Territory between 1833 and 1838 or 1840? A I don't know whether they did or not.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to Colonel Ward, the Indian Agent, and tell him they wanted to stay in Mississippi and take land there and become citizens of the state? A I do not know.

The Choctaw Indians who lived in the old Choctaw Nation after the ratification of the treaty of 1830 were required, if they wanted to take advantage of the fourteenth article of that treaty, to go to Colonel Ward, the United States Indian Agent, within six months after the date of the ratification of the

treaty and tell him they wanted to stay there. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon the list known as "Ward's Register". His failure to do this caused a good many Indians to lose their lands and their ventures; both were taken by the government and sold at the public land sales. This caused a the Indians to make complaint; and in 1837 by an act approved March 3rd of that year a Commission was appointed by Congress. This Commission went to Mississippi and heard applicants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission went to Mississippi and heard claims under that treaty.

- Q Did any of your ancestors go before the Commission in 1837 or in 1842 and claim rights as Choctaws? A I suppose by the family records that they did.
- Q Do you know that they went before the Commission in 1837 or 1842? A I answered so one of these were Choctaws; I don't know whether they did or not.
- Q Did any of your ancestors receive any script from the government which entitled them to select land east or in Mississippi, Alabama, Louisiana or Arkansas. This script was issued under the act of Congress of August 23, 1842, and was issued by the Commission appointed under that act to those Choctaw Indians who had proved their claim under article fourteen but had not been recognized by Colonel Ward, and therefore their land had been taken from them in the old Choctaw Nation. That is not the question as receiving the patent from the government under article fourteen of the treaty of 1830. Do you know whether they ever received any of this script or not from the government? A No sir, I don't know.
- Q If they received a patent from the government they would receive it at the expiration of five years from the time that the six months ran up after the ratification of the treaty of 1830, but if they received script they would receive it under the act of Congress of August 23, 1842, you do not know that they ever received any? A No sir, I do not know.
- Q What relation is Alberta W. Gaines to you? A I suppose a second cousin. I never seen her.
- Q She is an applicant, is she not, for identification as a Mississippian Choctaw before the Commission? A I understand so.
- Q You have other relatives who have also appeared before the Commission have you not? A Yes sir.
- Q Do you want to have your case consolidated with theirs under the name of this Alberta W. Gaines case, N. O. R. 4639? A Yes sir.

This case is referred to N. O. R. 4639, Alberta W. Gaines, for the purpose of consolidating these cases under one head.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is there anything further you want to offer in support of this case? A Not at present.
- Q Have you any other proof that you want to submit at this time? A No, sir, I don't know that I have right now.
- Q Do you want any time in which to offer other testimony? A Thir-

#7

ty days I guess.

Thirty days time is allowed this applicant in which to offer other testimony in support of his application.

BY MR. BAILEY, Attorney for applicant:

- Q Do you know Goulaby O. Walker? A Yes sir.
Q When did you see him? A He came to see my father.
Q Where did you live at that time? A East of Pittsburg, county-seat of Calhoun County.
Q Did you ever hear Goulaby O. Walker say anything concerning his mother, as to whether she was of Choctaw blood or not? A Well, they talked about being Choctaw, I don't remember just how it was now.
Q Did your father have a brother by the name of John Ryan? A Yes sir.
Q Did you ever know of John Ryan attempting to prove his right as a Choctaw citizen in the Indian Territory? A He wrote my father concerning that, and my father would not break up.
Q What did he write your father? A He wrote my father something about the rights of Choctaws?
Q What was that? A When I was small.
Q Did you ever hear, Mr. Ryan, through any of your ancestors or your father's people going to the Territory, either permanently or on business? A Yes sir, I have heard something of that.
Q What did you hear? A I heard that at my father's Uncle Goulaby's mother came to the Territory.
Q Did she come to remain permanently or visiting? A I think she came to see some of the family.
Q Did you ever hear your father talk with anyone in the Choctaw language? A I remember once the first Choctaw ever I seen, he came to our house, and I heard my father talk to him about being a Choctaw.
Q Did he talk in the Choctaw language? A They talked about the river there, and he told about a place named Babela, and he said Lickak met.

The applicant has the appearance and physical characteristics of being a descendant of white parents; dark blue eyes, has dark hair, almost black; reddish brown mustache, complexion originally fair, but now tanned and sunburnt; does not have any knowledge of the Choctaw language, and no knowledge of the compliance on the part of his ancestors with the articles fourteen of the treaty of 1830.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the commission to the Five Civilized Tribes he recorded the above proceedings on the 6th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

W. H. Martin

June, 1902.

Subscribed and sworn to before me this 7th day of

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, April 3, 1903.

Ed H. Ryan,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo in which you state: "We are trying for a right in this Indian Territory as Mississippi Choctaws, and come under Mrs. Alberta Gaines, and would like to know something of our case." You advise the change of your postoffice address to Coalgate, Indian Territory.

Replying to your letter, you are informed that the Commission has not up to the present time reached any opinion or decision relative to the rights of the several applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., to be identified as Mississippi Choctaws, but is now considering the several applications included in this case, and it is probable a decision will be rendered in the near future. Upon the rendition thereof the applicants will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior.

RRR

A proper record has been made of your change of postoffice
address to Coalgate, Indian Territory.

Respectfully,

Commissioner in Charge.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5783.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Ed H. Ryan,

Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James Dwyer

Chairman.

Register.

MCR-5793.

Muskogee, Indian Territory, March 16, 1907.

Ed. H. Ryan,

Coalgate, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 5783

For Identification as a Mississippi Choctaw.

Date

Name Ed. H. Ryan

Age 34, — Blood 1/16

Post-Office, Mc Gee, I. T. —

Father: James H. Ryan — } d

Mother: Mary Ryan — } l

Claims through father —
wife: Rodney Ellen Ryan, l. m.
No claim for wife —

Children:

Willis S. Ryan (F.) 9
Vivica " (F.) 7
Daisy " (F.) 5
Eileen " (F.) 3
Ezelle " (F.) 18 m

Claims for self
and 5 children —

Stenographer W. H. Martin

Choctaw MCR 5784

Presley C. Person

See MCR 3111

MCR 5784

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 6, 1902.

5784

In the matter of the application of Presley C. Person for the identification of himself and his minor child Mary Person as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants; appearance by attorney W. M. Harrison.

Presley C. Person being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Presley C. Person.
Q What is your age? A Thirty-six.
Q What is your post office address? A Velma, Mississippi.
Q How long have you lived at Velma? A Born and raised there.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Presley C. Person.
Q What was your mother's name? A Martha Person.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A About one-eighth.
Q Has your mother ever been enrolled as a Choctaw Indian or recognized as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Emma Person.
Q Is she living? A Yes, sir.
Q White woman? A Yes, sir.
Q You claim for her as a Choctaw? A No, sir.
Q How many children do you want to make application for? A One.
Q What is the name of that child? A Mary.
Q How old is she? A About two months old.
Q Emma is the mother of Mary? A Yes, sir.
Q You and your wife living together and this child living with you at your home? A Yes, sir.
Q Either you or your wife married before you married each other? A No, sir.
Q When and where were you married to your wife Emma? A Yalobusha County, Mississippi.
Q You remember the date? A February ninety-one.
Q Have you proof of that marriage with you now? A Well not the dates exactly.
Q Any documentary evidence showing your marriage? A Yes, sir.
Q You want to file this in this case? A

Attorney: Yes, sir.

Statement of C. Whitford, Clerk of the Circuit Court of Yalobusha County, Mississippi, in reference to the marriage of P. C. Person to Miss. Emma Stewart presented by this applicant filed, marked exhibit "A" and made a part of the record in this case.

#2

- Q You make application for yourself and your minor child Mary?
A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to any authority previous to this present application?
A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article of that treaty? A Well I don't know sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830, and was made for the purpose of removing the Choctaw Indians from the Country they then occupied to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, therefore, in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Through my mother.
- Q Will give me the ancestor who lived in Mississippi or Alabama in 1810, if you can? A I claim it through my grandmother who

was Delia McElroy, M-c--E-l-r-o-y.

- Q Did she live in Mississippi in 1830? A Yes, sir.
 Q Did she have a family there in 1830? A Yes, sir.
 Q She was the head of a family in Mississippi in 1830? A Yes, sir.
 Q How old would she be if living now? A She would be something over a hundred years old.
 Q You claim through your mother? A Yes, sir.
 Q She claims through her mother Delish McElroy? A Yes, sir.
 Q Did your mother at any time live in Mississippi? A Yes, sir.
 Q Did she always live in Mississippi? A I think she did.
 Q How old would she be if living now? A She would be something near seventy years old.
 Q Did Delia McElroy have a Choctaw Indian name or speak the Choctaw language? A I don't know sir.
 Q Did she or any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A I don't know sir.
 Q Did she or any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I have heard that they did.
 Q How did you hear that? A Through my mother.
 Q Your mother went to the United States Indian Agent? A I heard her say that her people did.
 Q Who did she say did? A Her father.
 Q What was his name? A James Greer.
 Q Did he live in Mississippi in 1830? A Yes, sir.
 Q Did he have a family living there then? A Yes, sir.
 Q Who is this James Greer? A My grandfather.
 Q Well did he marry Delia McElroy? A Yes, sir.
 Q That was her maiden name then? A Yes, sir.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become a citizen of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. The result of his neglect to make a proper registration of these applicants under article fourteen caused a good many Indians who held land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act of Congress approved March 3rd of that year a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions, that of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.

#4

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who not only proved their right under article fourteen of the treaty of 1830 but also proved that they had formerly had land in Mississippi which the government had taken from them and sold.

- Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Yes, sir.

- Q What is the principal case? A W. H. C. Greer.

- Q Who is that? A He is a cousin of mine; my mother's brother's son.

- Q Does he claim through the same common ancestor through whom you claim? A Yes, sir.

- Q Where did he make application to be identified as a Mississippi Choctaw? A Here in this office.

- Q Have any of your relatives been before the Commission to be identified as Mississippi Choctaws in Mississippi? A No, sir.

The case W. H. C. Greer, M.C.P. 2711 is here referred to for the purpose of consolidation of this case, claiming through the same common ancestor.

- Q Have you any proof you want to submit now in support of this claim? A

By attorney Harrison:

Applicant presents a certificate of John M. Hall and G. W. Shannon, of Coffeyville, Mississippi, acknowledged before J.D. Hale, Chancery Clerk, Yalobusha County, Mississippi identifying the applicant as the person he represents himself to be.

By the Commission.

Joint affidavit of J. M. Hall and G. W. Shannon presented by applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q How much time do you think you would like in order to introduce other testimony in this case? A I suppose about thirty days.

- Q Could you get along with less; you want to take more testimony?

- Q A Yes, I want to take more testimony.

- Q Expect to take any depositions? A Yes; I may.

Thirty days time is allowed from this date in which time to offer further testimony in this case.

- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes; brown hair; medium dark complexion; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions with article fourteen of the treaty of 1830.

- Q Will you give me the name of the next remote ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.

#5

- Q What is her name? A Delia McElroy.
Q How much Choctaw blood did she have? A One-half.
Q Do you know whom she married? A James Greer.
Q Was he a white man? A Yes, sir.
Q Both dead? A Yes, sir.
Q Do you know how old Delia McElroy or Greer would be if living now? A Something over a hundred.
Q Do you know how many children they had? A Not exactly, I think there were six or seven that lived to be grown.
Q Can you give me their names commencing with the oldest; give me all you can? A I really don't know which was the oldest; there was one named Tom Greer.
Q Whom did he marry? A I don't know whom he married---he married Mary Reid.
Q White woman? A Yes, sir.
Qc Now give me the name of another? A Amzy Greer.
Q That was a man? A Yes, sir.
Q He married whom? A I don't know sir; he was this W.H.C. Greer's father.
Q Now the next? A There was one John Greer.
Q Whom did John marry? A I don't know sir.
Q The next? A There was some others but I don't remember their names,---There was James Greer.
Q Whom did he marry? A I don't know sir.
Q Any others? A There was a girl but I don't remember her name---Caroline. (prompted)
Q Whom did she marry? A I don't know sir;---there was my mother too
Q What is her name? A Martha.
Q She is a sister of those others? A Yes, sir.
Q She married whom? A Presley C. Person.
Q That is your father and mother? A Yes, sir.
Q Can you give me the name of the children of Tom Greer who married Mary Reid? A No, sir; I cannot.
Q None of them? A No, sir; I can give some of James Greer's. Tom Greer had a child by the name of Mamie Greer.
Q She did not marry? A No, sir.
Q Any other? A He had a daughter named Delia.
Q Is Delia living? A No, sir; she is dead.
Q Did she marry? A Yes, sir.
Q Did she leave any children? A Yes, sir; she left one.
Q Whom did Delia marry? A She married a Smythe.
Q You remember the first name? A No, sir.
Q They had one child did they? A Yes, sir.
Q What was that child name? A Neoph Smythe.
Q Is that a boy or girl? A That is a boy?
Q Did Amzy Greer leave any children? A Yes, sir.
Q Can you give the names of any? A W. H. C. Greer.
Q He married whom? A I don't know whom he married; he lives at Sherman, Texas.
Q How many children has W. H. C. Greer? A Two, I think.
Q You know any of them? A No, sir; I don't know the names.
Q Did Amzy Greer have any other children? A Yes; but I can't remember the names just now.
Q Did John Greer have any? A Yes; but I can't remember the names.
Q Did Martha Greer have any? A Yes, sir.
Q How many? A Seven living.
Q Give me the name of the oldest? A Delia Miller.
Q What was her husband's name? A J. C. Miller.
Q Next? A Miss. Sarah Person.
Q Married? A No, sir.
Q Next? A P. C. Person, myself.
Q Next? A Mrs. Emma Dyer.

#6

- Q What is her husband's name? A Mattie Gordon, is the next child; Martha is the right name.
- Q What is her husband's name? A James F.
- Q Any other children? A Mrs. Lena Evens, E-v-e-n-s-.
- Q What is her husband's name? A W. H. Evens.
- Q Is that all? A Miss. Henry Person; that is a lady, she has been before you.
- Q She married? A No, sir.
- Q Any others? A That is all.
- Q Now are there any children of Delia Person who married J. C. Miller? A No, sir.
- Q How many children have you Mr. Person? A One.
- Q Do you know the children of Caroline Greer? A No, sir.

By Mr. Harrison:

- Q The James Greer that you mentioned a few moments ago was he not some times in your family called Jimmie? A Yes, sir.
- Q Did you ever hear your mother in speaking of your family history and tradition say anything about her mother or grandparents or either of them endeavoring to get any land in Mississippi as Indians? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

G. Rosenwinkel
[Signature]
Notary Public.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Presley C. Person,

Velma, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Greer, et al., embracing the following applications for identification as Mississippi Choctaws:

James Greer, et al.,	M.C.R. 5111
Thomas A. Greer,	M.C.R. 3130
John G. Greer, et al.,	M.C.R. 3107
Mary E. Hanchett, et al.,	M.C.R. 3116
Ora E. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3128
Calvin C. Greer, et al.,	M.C.R. 3112
Sue C. Miller,	M.C.R. 3129
Willie D. Walton, et al.,	M.C.R. 3035
William H. G. Greer, et al.,	M.C.R. 2711
Thomas C. Greer, et al.,	M.C.R. 2734
Jeff D. Greer, et al.,	M.C.R. 2735
Lafayette Greer,	M.C.R. 2733
Edward W. Greer, et al.,	M.C.R. 2947
Josie Greer,	M.C.R. 2736
James N. Greer, et al.,	M.C.R. 3032
Henry Wise Greer, et al.,	M.C.R. 3033
Edward E. Greer, et al.,	M.C.R. 3034
Delia Miller, et al.,	M.C.R. 5785
Sallie C. Person,	M.C.R. 5550
Presley C. Person, et al.,	M.C.R. 5784
Mama Dyer, et al.,	M.C.R. 5787
Martha Gordon,	M.C.R. 5786
Henrie Person,	M.C.R. 5551

These applications were made under the provision of the act

Presley C. Person, #2.

of Congress of June 28, 1898 (30 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Greer, Joseph L. Greer, Harrietta Greer, Orabella Greer, James E. Greer, Faty Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry S. Greer, Mary E. Manchett, Irene M. Manchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia, A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue E. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray M. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Ovan Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Volma Greer, Edward M. Greer, Clifford Edward Greer, Henry Verner Greer, Della Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with

Presley G. Person, # 3.

such arguments, will be forwarded to the Secretary of the Interior
through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Piety.

Acting Chairman.

Registered.

M.C.R. 5784

Muskogee, Indian Territory, September 22, 1904.

Presley C. Person,

Velma, Mississippi.

Dear Sir:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Presley C. Person and Mary Person, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

No. 5784

For Identification as a Mississippi Choctaw.

Date

Name Oresley C. Person

Age 36. Blood 1/8

Post-Office, Velma, Miss.

Father: Oresley C. Person, d

Mother: Martha " d

Claims through mother.

wife, Emma Person, l. w.

No claim for wife.

Children:

Mary Person, 2m

Claims for self &
minor child—

Stenographer G. Roumornis

Choctaw MCR 5785

Delia Miller

See MCR 3111

MCR 5785

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 6, 1902.

5785

In the matter of the application for identification as Mississippi Choctaws of Delia Miller for herself and her sister Lena Evens.

Thomas and Harrison attorneys for applicants; appearance by attorney W. M. Harrison.

Delia Miller being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Delia Miller.
Q What is your age? A Forty.
Q What is your post office address? A Sicily Island, Louisiana.
Q How long have you lived there? A I have lived there eight years.
Q Where were you born? A Born in Yalobusha County, Mississippi.
Q Where did you go to from there? A From there to Louisiana.
Q How long did you stay in Louisiana? A I have been there fifteen years.
Q That is the last fifteen years? A Yes, sir; the last fifteen years.
Q Up to that time did you stay in Mississippi? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Presley C. Person.
Q What was your mother's name? A Martha Person.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A One-eighth I believe.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities of the United States authorities in Indian Territory?
A I don't know sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A J. C. Miller.
Q Is he living and a white man? A Yes, sir.
Q You make no claim for him as a Choctaw? A No, sir; he is no Choctaw.
Q How many children have you under twenty-one years of age and unmarried? A None at all.
Q You claim for your self alone? A Yes, sir.

By Mr. Harrison:

She wants to make application for her sister.

By the Commission:

You say you have no children for whom you wish to make application?
A No, sir.

- Q Are there any others besides yourself that you want to make application for at this time? A I have a sister that could not come.
- Q Is she your full sister having the same father and mother? A Yes, sir; full sister.
- Q Lena Evens is her name? A Yes, sir; Lena Evens.
- Q Is your sister married? A Yes, sir; she is married.
- Q What is her present name? A Lena Evens.
- Q How old is she? A She is about thirty.
- Q Where does she live? A In Yalobusha County, Mississippi.
- Q Is that her post office address? A No; Volma is the post office address.
- Q You claim the same amount of blood for her that you claim for yourself? A Yes, sir.
- Q What is her husband's name? A William Evens.
- Q Is he a white man? A Yes, sir.
- Q Living I presume? A Yes, sir.
- Q Presley C. Person is the father and Martha Person was the mother of your sister Lena Evens? A Yes, sir.
- Q Both parents are dead? A Yes, sir.
- Q Has she any children? A No, sir.
- Q Why do you make application for her at the present time? A Because she is unable to come.
- Q Would she not be able to come in the near future? A I don't know whether she will be or not.
- Q Do you make this application for her by reason of this Doctor's certificate which you present which states that her physical condition is such that she cannot appear in person before the Commission? A Yes, sir.
- Q Do you want to present this and make it a part of the record in this case? A Yes, sir.

Doctor's certificate stating the disability of Lena Evens sister of this applicant presented by her, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Whatever evidence you offer in support of your own application applies equally to the application you make for your sister Lena Evens? A Yes, sir; just the same.
- Q Is your name or the name of your sister on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Or for this sister? A No, sir.
- Q Have you or your sister ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your sister ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and to identify your sister as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Have you been requested by your sister Lena to make application for her at this time in order to protect her rights as a claimant under a Mississippi Choctaw ancestor? A Yes, sir.
- Q Do you understand article fourteen of the treaty of 1830? A No.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and therefore in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What was her name? A Delia Greer.
- Q Whom did she marry? A James Greer; her maiden name was Delia McElroy.
- Q Did she live in Mississippi in 1830? A Yes, sir.
- Q Did she have a family there then? A Yes, sir.
- Q Was she the head of a family in Mississippi in 1830? A Yes, sir.
- Q How do you know that? A Because I have heard my mother say so.
- Q Did your mother live in Mississippi at any time? A Yes, sir.
- Q Was she born there? A I don't know where she was born?
- Q How old would she be if living now? A About sixty-six.
- Q Did she have any older brothers or sisters? A Yes, sir.
- Q Did Delia Greer have a Choctaw Indian name? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A No; I don't know.
- Q Did she own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Yes, sir.
- Q Where; do you know? A No, sir; I don't know.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I think they did but I would not be certain.
- Q What did you hear them say that makes you think anybody went to Colonel Ward within six months from the ratification of the treaty; do you recollect what anybody said? A No, sir.

- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to place upon his registry list known as Ward's register. His neglect to do so caused a good many Indians who held land in Mississippi upon which they had improvements to lose both their land and the improvements they had upon the land. This caused so many complaints among the Choctaw Indians that in 1837 by act of Congress approved March 3rd of that year a Commission was appointed. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I do n't know.

This scrip was issued to Indians who proved their right under article fourteen and also proved that the government had taken their land from them in the old Choctaw Nation and was issued under an act of Congress of August 23, 1842.

- Q Who is W. H. C. Greer; what relation to you? A First cousin.
- Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Would you like to have his case referred and made a part of your own? A Yes, sir.
- Q Also other relatives claiming through the same common ancestor? A Yes, sir.

The case of W. H. C. Greer, M.C.R. 2711, is here referred to for the purpose of consolidation of these cases.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further you want to say now in support of this claim? A I believe I have said everything I know.

Thirty days time is allowed this applicant in which to introduce other testimony or for the taking of depositions if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes; dark hair; she does not speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as

#5

stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 8, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. G. Gammick

Subscribed and sworn to before me this 2 day of June 1902.

Samuel H. Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 6, 1902.

5785

In the matter of the application for identification as Mississippi Choctaws of Delia Miller, et al., M.C.R. 5785

Thomas & Harrison; attorneys for applicants; appearance by attorney W. M. Harrison:

Delia Miller being recalled testifies as follows:

-:Examination by attorney Harrison:-

- Q Do you now remember any conversation you had with your mother at any time or ever heard her speak of the matter in your presence about your early family history in Mississippi and did not so remember when you testified a few moments ago? You may now state to the Commission what you remember concerning that part of your family history which you omitted to testify to? A I have heard her say that her home was taken away from them in 1830.
- Q Where was her home at that time? A It was in Mississippi somewhere.
- Q Did she state or do you remember if she did so state by whom her home was thus taken from them? A By the people that wanted to put them out of there; they did not want them to stay there.
- Q Did she state or have you any recollection of her ever stating how she got that home? A I don't know how her parents got it.
- Q Did she say that she was an Indian? A She was part Indian.
- Q What tribe did she say she belonged to? A Choctaw.
- Q Now you went on a moment ago to state something about your mother stating something else to you about doing something for you? A She said she might have been able to do more for us and for herself but that they done them so bad; they wanted to get them out of Mississippi; they took their homes away from them. Her mother could have done something for her and she could have done something for us.
- Q Do you remember anything else in connection with it? A I don't know that I can think of anything?
- Q That is a matter of family history? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

G. Rosenwinkel
Notary Public.

COPY.

M.C.R. 5785

Muskogee, Indian Territory, February 13, 1903.

Delia Miller,

Sticily Island, Louisiana.

Dear Madam:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Greer et al., embracing the following applications for identification as Mississippi Choctaws:

James Greer, et al.,	M.C.R. 3111
Thomas A. Greer,	M.C.R. 3130
John C. Greer, et al.,	M.C.R. 3107
Mary E. Manchett, et al.,	M.C.R. 3115
Ora E. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3128
Calvin S. Greer, et al.,	M.C.R. 3112
Sue C. Miller,	M.C.R. 3129
Willie D. Walton, et al.,	M.C.R. 3036
William H. C. Greer, et al.,	M.C.R. 2711
Thomas C. Greer, et al.,	M.C.R. 2734
Jeff D. Greer, et al.,	M.C.R. 2735
Lafayette Greer,	M.C.R. 2733
Edward W. Greer, et al.,	M.C.R. 2947
Jessie Greer,	M.C.R. 2736
James N. Greer, et al.,	M.C.R. 3032
Henry Wise Greer, et al.,	M.C.R. 3033
Edward E. Greer, et al.,	M.C.R. 3034
Delia Miller, et al.,	M.C.R. 5785
Sallie C. Person,	M.C.R. 5550
Presley C. Person, et al.,	M.C.R. 5784
Emma Dyer, et al.,	M.C.R. 5787
Martha Gordon,	M.C.R. 5786
Henrie Person,	M.C.R. 5551

These applications were made under the provision of the act

Delia Miller, -2

of Congress of June 28, 1898 (30 Stats., 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Greer, Joseph L. Greer, Marrietta Greer, Orasella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sus C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray H. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James M. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Merric Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Delia Miller, -3

case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Dinty

Acting Chairman.

Registered.

Muskogee, Indian Territory, September 22, 1904.

Delia Miller,

Sicily Island, Louisiana.

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Delia Miller and Lena Evans, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 2

Name *Velma Miller*Age 40 — Blood — $\frac{7}{8}$ Post-Office, *Cicely Island, La.*Father: *Presley C. Person, d*Mother: *Martha " d*Claims through *mother**husband**J. C. Miller — l. w.**No claim for husband —**Children: sister**Lena Evans, 30. — Velma. Miss.**husband Wm. Evans, — w. l.**no children —**full sister of app't**claims for self**alone — and**married sister**Lena Evans —*

Choctaw MCR 5786

Martha Gordon

See MCR 3111

MCR 5786

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 6, 1902.

5786

In the matter of the application for identification as a
Mississippi Choctaw Martha Gordon.

Thomas & Harrison, attorneys for applicant; appearance by
attorney W.M. Harrison.

Martha Gordon being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Martha Gordon.
Q What is your age? A Thirty-two.
Q What is your post office address? A Velma, Mississippi.
Q How long have you lived at Velma? A All my life.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Presley G. Person.
Q What was your mother's name? A Martha Person.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A About one-eighth.
Q Has your mother ever been recognized as a Choctaw Indian by
the Choctaw tribal authorities or the United States authorities
in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A James T. Gordon.
Q He is living? A Yes, sir.
Q Is he a Choctaw Indian or white man? A He is a white man.
Q You make no claim for him as an Indian? A No, sir.
Q How many children have you that you want to make application
for? A I have no children.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under
the act of Congress of June 10, 1896? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by either the Choctaw tribal authorities, the Commission to the
Five Civilized Tribes or the United States Court in Indian terri-
tory? A No, sir.
Q Do you now come before the Commission to be identified as a Missis-
sipi Choctaw claiming under article fourteen of the treaty of
1830? A Yes, sir.
Q Do you understand that article? A Not very well I don't suppose

Mr. Harrison:

- Q You have heard it read enough to know what it means? A Yes; I
know what it means.

By the Commission:

- Q You want it explained further? A I don't mind hearing it but I have heard it several times and know what it means.

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I claim from my grandmother.
- Q What was her name? A Delia Greer.
- Q Grandmother? A Yes, sir.
- Q How much Choctaw blood did she have? A She was half.
- Q What was her maiden name? A Delia McElroy.
- Q She married whom? A James Greer.
- Q How much Choctaw blood did she have? A She was a half.
- Q Did she live in Mississippi or Alabama? A Mississippi.
- Q Did she live there in the year 1830? A Yes, sir.
- Q Was that in the old Choctaw Nation? A Well I reckon it was.
- Q Did she live there in the year 1830 and did she have a family or children there then? A Yes, sir.
- Q In other words was the head of a family in Mississippi in 1830? A Yes, sir.
- Q Did she comply with the provisions of article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? did you ever hear that they did? A I don't know sir.
- Qx Did any of them own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1836 or forty? A I don't know.
- Q Did any of your Choctaw ancestors in any way comply with article fourteen of that treaty? A I don't know.

The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward and tell him, within six months from the ratification of the treaty, that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. Because he neglected to do so a great many Indians who held land in Mississippi upon which they had improvements lost both; for the government took both and sold them at its public land sales. The complaints that were made by the Indians caused the government, in 1837, to appoint a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose under an act approved August 23 of that year. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before any of these Commissions and claim benefits under that article of that treaty? A Not that I know of.

In 1842, the act of Congress approved August 23, of that year, caused scrip to be issued to Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that the government had taken their land from them in Mississippi in the old Choctaw Nation and sold it. This scrip entitled these Indians to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that the government had taken from them.

- Q Did any of your Choctaw ancestors receive any scrip from the government? A Not that I know of.
 Q Is W. H. C. Greer a relative of yours? A Yes, sir.
 Q You want to have his case and yours consolidated? A Yes, sir.
 Q Also all other cases of claimants who came before the Commission claiming through the same ancestor? A Yes, sir.
 Q Do you speak the Choctaw language? A No, sir.
 Q Do you want any time in which to introduce any other testimony in this case? A Attorney; Yes, sir.

Attorney:

We want a reasonable time to procure such further additional testimony in support of this claim as we may be able to procure.

By the Commission:

Thirty days time is allowed this applicant in which to introduce other testimony, if she desires, in support of this application.

Attorney:

- Q When you said a few moments ago that none of your ancestors through whom you claim your Choctaw blood claimed lands as Choctaws in Mississippi did you mean to say positively that they did not or that you did not know? A I did not know.

By the Commission:

This applicant has the appearance and physical characteristics

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of being descended from white parentage; she has black eyes; medium dark complexion; brown hair; she does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Refence is here made to the case of W. H. G. Greer, M.C.R. 2711, for the purpose of consolidation.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commissione the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 21 day of June 1902.

Wm. H. Hillwood

Notary Public.

Waskagee, Indian Territory, February 13, 1903.

Martha Gordon,

Volma, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Greer, et al., embracing the following applications for identification as Mississippi Choctaws:

James Greer, et al.,	M.C.R. 3111
Thomas A. Greer,	M.C.R. 3130
John C. Greer, et al.,	M.C.R. 3107
Mary E. Hanchett, et al.,	M.C.R. 3118
Ora E. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3128
Calvin C. Greer, et al.,	M.C.R. 3112
Sue C. Miller,	M.C.R. 3129
Willie D. Walton, et al.,	M.C.R. 3035
William H. C. Greer, et al.,	M.C.R. 2711
Thomas C. Greer, et al.,	M.C.R. 2734
Jeff D. Greer, et al.,	M.C.R. 2735
Lafayette Greer,	M.C.R. 2733
Edward W. Greer, et al.,	M.C.R. 2947
Jessie Greer,	M.C.R. 2736
James N. Greer, et al.,	M.C.R. 3032
Henry Wise Greer, et al.,	M.C.R. 3033
Edward E. Greer, et al.,	M.C.R. 3034
Delia Miller, et al.,	M.C.R. 5785
Sallie C. Person,	M.C.R. 5550
Presley C. Person, et al.,	M.C.R. 5784
Emma Dyer, et al.,	M.C.R. 5787
Martha Gordon,	M.C.R. 5786
Henrie Person,	M.C.R. 5551

These applications were made under the provision of the act

Martha Gordon, -2

of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Della Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Martha Gordon, -5

case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.

Tamara Pirby.

Acting Chairman.

Registered.

M.C.R. 5786

Muskogee, Indian Territory, September 22, 1904.

Martha Gordon,

Velma, Mississippi.

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

JUN 6 1902

Name Martha Gordon.

Age 32 — Blood 1/8

Post-Office, Velma, Miss.

Father: Presley C. Person, d

Mother: Martha " d

Claims through husband mother

James F. Gordon, l. w.

James F. Gordon, l. w.
No claim for husband

Children:

Chairs for sleep
alone

Stenographer *H. Rosenwald*

Choctaw MCR 5787

. Emma Dyer .

See MCR 3111

MCR 5787

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 6, 1902.

5787

In the matter of the application for identification as Mississippi Choctaws of Emma Dyer, for herself and her three minor children, Lillian, Artell and Person Dyer.

Thomas & Harrison, attorneys for applicants; appearance by W. M. Harrison.

Emma Dyer being first duly sworn testified as follows:

-:Examination by the Commission:-

- Q What is your name? A Emma Dyer.
Q What is your age? A Thirty-four.
Q What is your post office address? A Velma, Mississippi.
Q How long have you lived at Velma? A Well at my home I have lived there about all my life except a few years when I was away.
Q You were born there? A Yes, sir.
Q Is your father living? A No, sir.
Q Mother living? A No, sir.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A One-eighth I suppose.
Q What is your father's name? A Presley O. Persen.
Q What was your mother's name? A Martha Persen.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Dyer.
Q He is living? A Yes, sir.
Q He is not an Indian? A No, sir; a white man.
Q You do not make any claim for him then? A No, sir.
Q Give me the name of the oldest child you want to make application for? A Lillian Dyer.
Q How old is Lillian? A She is twelve.
Q Now the next? A Artell, A-r-t-e-l-l.
Q Girl? A Yes, sir.
Q How old is she? A She is ten.
Q The next? A The baby here is Person Dyer, he is twelve months old.
Q One year old? A Well he is thirteen months old.
Q William Dyer the father of these children? A Yes, sir.
Q Are you and your husband and these children living with you at your home? A Yes, sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; not that we know of.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 19, 1896? A No, sir.

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- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? No, sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws? A Yes, sir.
- Q Do you identify yourself under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Well,--Well enough I reckon, I have heard it read a good deal.
- Q You think you understand it well enough? A Yes, sir.

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as Mississippi Choctaw? A I claim it through my mother.
- Q Can you go back further than that? A It comes from my grandmother I suppose.
- Q What was her name? A Delia Greer.
- Q She married whom? A She married a Greer; she was a McElroy and married a Greer.
- Q She was a white woman was she not? A Yes sir.
- Q How much Choctaw blood did she have? A She was a half blood.
- Q How do you know she was a half blood? A I learned it from my parents.
- Q Matter of family history and tradition? A Yes, sir.
- Q Did she, Delia Greer, live in the old Choctaw Nation either in Mississippi or Alabama in 1830? A Yes; she lived in Mississippi in 1830.
- Q Was she the head of a family there then? A Yes, sir.
- Q Did she comply or attempt to comply with article fourteen of the treaty of 1830 by going to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and telling him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A I don't know sir.
- Q You claim your Choctaw blood through your mother Martha Person?

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A Yes, sir.

Q Did she ever live in Mississippi? A Yes, sir.

Qx She was born there? A I don't know where she was born but we were raised there.

Q How old would she be if living now? A About sixty--something about sixty-seven.

Q You don't know where she was born? A No, sir.

Q She claimed through which parent father or mother? A She claimed through her mother.

Q Her mother's name was Delia Greer? A Yes, sir.

Q Who married James Greer? A She was Delia McElroy and married James Greer.

Q Do you know whether she claimed through her father or mother, Delia McElroy? A She claimed through her mother.

Q Do you know her mother's name? A No, sir; I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward at his office in Mississippi and tell him that they intended to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No, sir; not that I know of.

In 1837 as well as in 1842, under various acts of Congress Commissions were appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because a great many Choctaw Indians claimed that they had gone to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and attempted to register under him but he refused to take their names for registration because of this act of his these Indians lost their land which they held in the old Choctaw Nation; it was taken from them and sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 as well as in 1842 these Commissions were appointed.

Q Do you know whether any of your Choctaw ancestors went before either of these Commissions that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of 1830? A No, sir; none that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which the government had taken from them and sold? A I don't know sir.

Q Is W. H. G. Greer any kin of yours? A He is a first cousin.

Qx He has made application to be identified as a Mississippi Choctaw before the Commission? A Yes; I suppose he has.

Q You want to have his case referred to and also the cases of all other applicants where they claim through the same common ancestor through whom you claim? A Yes, sir.

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The case of W. H. C. Greer, M.C.R. 2711, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No, sir.
Q Have you any evidence you want to present now in support of this claim? A No, sir; I believe not.
Q Do you want any more time? A Attorney; Yes, sir.

Thirty days time is allowed this applicant in which to introduce other documentary evidence or any other proper evidence in support of this application.

By Mr. Harrison:

- Q Have you any other information of your family derived from conversation with your mother or other members of your family relating to family history or family tradition that you would like to give in support of your claim, if so please do so now; if you know anything else no matter how you learned it from conversation in the family or among your relatives? A I don't know anything except that I knew my mother was a half Indian.
Q What you learned you learned from the family? A Yes, sir.
Q In discussing family history and family tradition? A Yes, sir.
Q That she was a half blood Choctaw Indian? A Yes, sir.
Q And lived in Mississippi? A Yes, sir.
Q You know in what County? A No, sir; I don't know what County.
Q Did you ever hear her people say anything about your grandmother trying to get land down there as a Choctaw Indian? A No, sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown eyes; dark brown hair; medium dark complexion; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830?

G. Rosenwinkel being first duly sworn states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 8, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

G. Rosenwinkel
Chas. H. [Signature]
Notary Public.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Emma Dyer,

Velma, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Greer, et al., embracing the following applications for identification as Mississippi Shootaws:

James Greer, et al.,	M.C.R. 3111
Thomas A. Greer,	M.C.R. 3130
John C. Greer, et al.,	M.C.R. 3107
Mary E. Hanchett, et al.,	M.C.R. 3116
Ora E. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3126
Calvin C. Greer, et al.,	M.C.R. 3112
Sue C. Miller,	M.C.R. 3129
Willie D. Walton, et al.,	M.C.R. 3035
William H. C. Greer, et al.,	M.C.R. 2711
Thomas C. Greer, et al.,	M.C.R. 2734
Jeff D. Greer, et al.,	M.C.R. 2735
Lafayette Greer,	M.C.R. 2733
Edward W. Greer, et al.,	M.C.R. 2947
Jessie Greer,	M.C.R. 2736
James H. Greer, et al.,	M.C.R. 3032
Henry Wise Greer, et al.,	M.C.R. 3033
Edward E. Greer, et al.,	M.C.R. 3034
Della Miller, et al.,	M.C.R. 5786
Sallie C. Person,	M.C.R. 5550
Presley C. Person, et al.,	M.C.R. 5784
Emma Dyer, et al.,	M.C.R. 5787
Martha Gordon,	M.C.R. 5786
Henric Person,	M.C.R. 5551

These applications were made under the provision of the act

Emma Dyer, -2

of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Greer, Joseph L. Greer, Marietta Greer, Orasella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James E. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no persons is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Anna Dyer, -3

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

—EDN

Tame Dixie

Acting Chairman.

Registered.

Muskogee, Indian Territory, September 22, 1904.

Emma Dyer,

Velma, Mississippi.

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Emma Dyer, Lillian Dyer, Artell Dyer and Person Dyer, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

" No. 5787

For Identification as a Mississippi Choctaw.

Date JUL 6 1902

Name Emma Reyer.

Age 34 — Blood 1/8

Post-Office, Velma, Miss. —

Father: Presley C. Person d

Mother: Martha " d

Claims through $\frac{1}{2}$ mother —
husband.

William Reyer, l. w.
No claim for husband.

Children:

Lillian Reyer. 12

Artell " (F) 10

Person Reyer (M) 1

Claims for self &
3 children —

Stenographer G. Rosemead

Choctaw MCR 5788

Hill Smith

See MCR 5893, 5953, 5954

MCR 5788

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Hill Smith, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Hill Smith, et al.,	M.C.R. 5788
Green Smith,	M.C.R. 5893
Josie Dumas, et al.,	M.C.R. 5953
Mattie Johnson, et al.,	M.C.R. 5954

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 7th, 1902.

#5788.

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In the matter of the application of Hill Smith for the identification of himself and his three minor children, Moses, Billy and Messey Smith, as Mississippi Choctaws.

No attorney.

Hill Smith being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Hill Smith.
Q What is your age? A My age is about forty-eight.
Q What is your post office address? A It's here now.
Q Muskegee? A Yes sir.
Q Indian Territory? A Yes sir.
Q How long have you lived in Muskegee? A I have been here about---nearly four months.
Q How long? A Nearly four months.
Q Where did you come from here? A I came from Arkansas here.
Q Were you born in Arkansas? A No sir.
Q How long did you live in Arkansas? A About ten years.
Q Where? A In Woodruff County; well not all, I lived in Phillips County.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A Yalobusha County.
Q How long did you live in Mississippi before you left that state?
A About all my life; about thirty-seven or eight years.
Q Is your father living? A My father? No sir.
Q Is your mother living? A No sir; my father has been dead about six years.
Q What was his name? A His name was Bill Smith.
Q What was your mother's name? A Mattie Smith.
Q Through which of your parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A Do I? I claim half.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A She has been recognized.
Q By the people? A By the people, yes sir.
Q But she hasn't been recognized by the tribe itself; by the tribe itself; by being put on the rolls? A Oh, no sir.

#2.

- Q People simply look at her and say she has Choctaw blood; that's what you mean isn't it? A Yes sir.
- Q What was your father's blood? A He was a colored man.
- Q Was he a slave? A No sir.
- Q He never was a slave in Mississippi? A No sir.
- Q And he had no Choctaw blood had he? A Well, he may have had some in him; he was not black.
- Q Well, do you know whether he had negro and white or negro and Indian blood? A I don't think he had any white in him at all.
- Q He was mostly colored? A Yes sir.
- Q How much colored blood did your mother have? A Not any.
- Q Was she a full blood Indian? A Yes sir.
- Q She was a full blood Choctaw Indian? A Yes sir.
- Q Was she at any time a slave? A No sir.
- Q Were you at any time a slave? A No sir.
- Q Do you know whether or not your father and mother were married according to the laws of the state of Mississippi or according to the Indian custom? A I suppose they was married by Indian custom, I don't know; I couldn't say positive about that; but they lived together as man and wife up until she died; of course she has been dead quite a while.
- Q You have no proof of their marriage? A No sir.
- Q Do you think you could get it? A I don't know whether I could or not; they was so recognized that way, as man and wife.
- Q So far as you know they were not married by a minister and under a license? A I think they were married by a minister.
- Q Well, that would not be according to the Choctaw custom would it? A Well, this man that claimed to have married him claimed they had a kind of ceremony.
- Q What is the name of the man that married them? A Alex Burton.
- Q Who was he? A He was a half breed Indian himself.
- Q Half breed Choctaw Indian? A Yes sir.
- Q Where did he live? A He lived down there near Jackson, Mississippi.
- Q What was he? A Kind of a preacher.
- Q Among the Indians? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Bettie.
- Q What is her blood? A She's colored.
- Q She is living is she? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Give me the name of your children under twenty-one years of age and unmarried beginning with the oldest? A Moses Smith.
- Q How old is Moses? A He's eighteen.
- Q Now the name of the next? A Billy.
- Q How old is Billy? A Billy's sixteen.
- Q What is the name of the next? A Messey, girl.
- Q How old is Messey? A She's eleven.
- Q Is that all the children? A Yes sir, I have one more son.
- Q He's over twenty-one? A He's going on twenty-two.
- Q Is Betty Smith the mother of the se children? A Yes sir.
- Q And you are the father of them? A Yes sir.
- Q Were either you or your wife married before you married each other? A No sir.

#3.

- Q Is your wife and are these children living with you at your home? A Now?
- Q Yes? A No sir, they are in Arkansas.
- Q They are not with you now? A No sir.
- Q But still you are supporting them? A Yes sir.
- Q They are with relatives there are they? A Yes sir.
- Q Which? A With relatives.
- Q Who? A Sister-in-law.
- Q When and where were you married to your wife Bettie?
- A Yalobusha County, Mississippi.
- Q Give the day of the month and year of your marriage?
- A Why, it was on the 23rd day of November in '87.
- Q By a minister under a license? A Yes sir.
- Q Have you proof of your marriage with you now? A No sir, no more than my word.
- Q Do you think you could introduce that evidence of your marriage within a week's time? A I don't know sir whether I could or not.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir, I have lived all my life in Mississippi, and from there to Arkansas, and here.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir, this is my first.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made for yourself and your children? A Yes sir.
- Q To become enrolled as Choctaw Indians either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes sir.
- Q Do you now come before the Commission to be identified, and for the identification of these three children as Mississippi Choctaws? A Yes sir.
- Q Do you claim that right under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. It was made for the purpose of removing as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty of

1830; the treaty was then signed and afterwards became ratified on the 24th day of February, 1831. Now that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that article well enough now to claim under it? A Yes sir, I guess so.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jack Woods, that was my grandfather.
- Q Jack Woods? A Yes sir.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply in any way with article fourteen of the treaty of 1830? A Well, nothing more than just what I have been told and taught a number of times by----
- Q What have you been told? A I have heard mother say so.
- Q Which? A Jack Woods.
- Q What have you heard him say? A That the white people just beat us out of our land; that they took it away from us; and I heard him mention this man Ward's name several times.
- Q In what way did he mention Ward? A He just said they refused to enroll him, and called him an old drunken-----
- Q This is your grandfather? A Yes sir.
- Q How old would your father be if living now? A My father? He would be about seventy years.
- Q Where was he born? A My father I think was born in Illinois.
- Q Born in Illinois seventy years ago? A Yes sir.
- Q Where was Jack Woods living seventy years ago? A He was living in Mississippi.
- Q Is Bill Smith your father? A Yes sir.
- Q Is he a son of Jack Woods? A No sir.
- Q You claim through your mother? A Yes sir.
- Q Then your mother is a daughter of who? A Jack Woods.
- Q Her maiden name was Woods? A Yes sir.
- Q Now what I want to know is where your mother was born? A My mother was born in Mississippi.
- Q Where in Mississippi, do you know? A Well, no more than what

- she has told me---near Jackson, Mississippi.
- Q How old would she be if living now? A She would be---really I can't tell you her age just exactly.
- Q About how old? A Sixty, seventy or eighty years old; she was very old when she died; only been dead ten years.
- Q Was Jack Woods, her father, living in the old Choctaw Nation in Mississippi and Alabama in 1830, seventy-two years ago?
- A I guess he was.
- Q And did he have a family there then? A Why, yes sir.
- Q That's what you understand in the family? A Yes sir, he had a wife.
- Q Did he have any children living there in 1830? A Nobody but this girl---my mother---and her sister. Well, I don't know; I couldn't say; she would be born after that.
- Q Did she have an elder brother or sister? A Had a sister older than her but she didn't live any time; hardly old enough to be named.
- Q How much older was she than your mother? A I suppose a year or two older; I don't know how that was.
- Q Have you any evidence or knowledge of the fact that your grandfather Jack Woods lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and was the head of a family there then?
- A Nothing only by my mother.
- Q Did she say so? A Yes sir.
- Q Now what did Jack Woods do or attempt to do to comply with article fourteen of the treaty of 1830? A Well, I can't answer.
- Q What business did he ever have with Colonel Wm. Ward, if any?
- A No more than I just heard him say he went before him and they was run off like dogs.
- Q How old would Jack Woods be if living now? A Well, he would be pretty old.
- Q How old? A I reckon about ninety-six or seven years old.
- Q Where did he die? A I think he died down there close to between Jackson and the Mississippi river.
- Q In the state of Mississippi? A Oh, yes sir, in the state of Mississippi.
- Q Did he always live in Mississippi? A Always, yes sir, and died there.
- Q Did he speak the Choctaw language? A Yes sir, he did.
- Q Did you ever hear him speak it? A Yes sir, I have heard him speak it; he used to try to make me talk it.
- Q Did you ever learn any words from him? A No sir, I have forgotten, it has been so long.
- Q How old were you when you first knew him? A I was quite a kid.
- Q How old were you when you last saw him? A About---must have been fifteen or twenty years old.
- Q You were living in Mississippi at that time? A Yes sir.
- Q What was his physical appearance? A He was very old and broken up.
- Q Was he gray? A Yes sir, very gray.
- Q Did he have any hair on his face? A Not much; he wore his hair very long; about all---
- Q Did he have dark skin? A Yes sir, he was fully as dark as I am.
- Q Did he show any negro blood? A No sir.

#6.

- Q And about his features, lips and nose, how were they shaped?
A Just like any other Indian; high cheek bones and long hair; I meant to say that he had a mustache on his face.
Q Gray? A Yes sir, a few.
Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A Not that I know of.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830?
A No sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1836 or '40? A East of the Mississippi river?
Q Yes, Mississippi of course is east of the Mississippi river?
A Well certainly.
Q And did any of your ancestors come across here to the Choctaw Nation? A No sir.

In 1836, by an act approved March 3rd of that year, and also in 1842, by an act approved August 23rd of that year, Congress appointed two Commissions. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because a great many Choctaw Indians complained that they had attempted to register under article fourteen of the treaty of 1830 before Colonel Wm. Ward within six months from the ratification of the treaty, but that Colonel Ward refused to accept their names for registration. At any rate, later on, although they had gone before Colonel Ward and supposed that they had registered, their names were not found upon his list, and this caused these Indians to lose their land in the old Choctaw Nation; the government took it from them and sold it at its public land sales. The complaints of these Indians became so numerous that these Commissions were appointed; one in 1837 and the other in 1842 to hear their complaints and right their wrongs if they had received any.

- Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842, and claimed any benefits under article fourteen of that treaty? A No sir, I don't know that any of them did.

In 1842 an act of Congress approved August 23rd of that year issued scrip or certificates as they were sometimes called; this scrip was given to those Choctaw Indians who claimed that they had proven their rights under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by the government. This scrip authorized them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land that was taken from them by the government.

#7.

- Q Did any of your Choctaw ancestors get any of this scrip, do you know; you never heard they did? A No sir.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws, any kinfolks? A Well, I couldn't say.
- Q You don't know of any? A No sir.
- Q Do you speak the Choctaw language yourself? A No sir.
- Q Is there anything more you want to say now in support of this application? A Well, I don't know as there is any. You didn't get my grandmother there.
- Q The wife of Jack Woods? A Yes sir, my daughter is named after her---granddaughter---Messey Woods.
- Q What was her maiden name? A I don't know her maiden name.
- Q Did she have any Choctaw blood at all? A She was full blood.
- Q And therefore you claim that your mother was full blood do you?
- A Yes sir, mother and grandfather and grandmother on mother's side.
- Q Taking her blood from Jack Woods and Messey his wife? A Yes sir.
- Q Have you witnesses you want to call? A Yes sir, Mr. Wallace.

Applicant excused.

General Lew Wallace being called and sworn as a witness, testified as follows:

- Q What is your name? A General Lew Wallace.
- Q Your first name is General is it? A Yes sir.
- Q What is your age? A My age is about fifty-eight, or nine, more or less, I don't know exactly.
- Q What is your post office address? A Atoka is my post office now.
- Q How long have you lived in the Territory? A I don't know; I think here going on two years.
- Q Where did you live before you lived in the Territory?
- A Illinois.
- Q How long did you live in Illinois? A Lived about two or three years.
- Q Where did you live before you lived in Illinois? A Mississippi.
- Q Where were you born? A Mississippi.
- Q What place in Mississippi? A I can't tell you exactly where I was born there; I was born in Mississippi somewhere.
- Q How old were you when you left Mississippi? A I think here about---in the Territory---here over a year.
- Q How old were you when you left Mississippi? A I don't know.
- Q Were you a small boy when you left Mississippi? A I was a grown man.
- Q How old were you; were you twenty years? A Yes sir, and more too.
- Q How much more? A I don't know exactly; I was in Cairo about three years and was here about a year.
- Q How old are you now? A About fifty-eight or nine.
- Q How don't you know whether you was twenty years old or how old you were when you left the state of Mississippi; whether twenty

- or twenty-five or thirty? A Yes sir, I know I was that old.
- Q How old were you? A About thirty or thirty-five.
- Q Do you know that you are about fifty-eight or nine years old now; why is it that you are so unable to tell about how old you were when you left the state of Mississippi? A Well, I cant count it up just exactly.
- Q Well now do you know Hill Smith? A Yes sir.
- Q What do you know about Hill Smith? A Pretty much play-beys together.
- Q You played together? A Yes sir.
- Q Where? A Jackson, Mississippi, and Vicksburg; all up and down the road there.
- Q How much older than you is he? A Good deal older than him; I don't know how much.
- Q Were you a slave in Mississippi? A NO sir.
- Q What is your blood? A My blood is Choctaw.
- Q You are not a full blood Choctaw are you? A Pretty much.
- Q How much Choctaw do you claim? A Did claim three quarters.
- Q Three quarters Choctaw and how much negro? A I don't know.
- Q You know you have got some don't you? A I don't know; I might by my mother.
- Q Now you go on and state what you know about Hill Smith living in Mississippi and whether he had any Choctaw blood and how much, and if he complied with article fourteen of the treaty of 1830? A Well, from the look of his mother I suppose he was about half.
- Q How did she look? A She was copper colored.
- Q Well, was his mother a negro? A She was Choctaw.
- Q I asked you if his mother was negro; did she have any negro blood? A I couldn't say.
- Q Did she look as if she did? A Yes sir.
- Q Did you ever hear his mother speak the Choctaw language?
- A Oh, yes sir.
- Q Do you understand Choctaw? A Me? No sir, not exactly; no sir, I don't understand----
- Q How do you know that you heard her speak the Choctaw language?
- A I heard them speak of her as Choctaw.
- Q Did you ever hear her talk in the Choctaw language? A No sir.
- Q Did you see his mother very much? A Several times; good many times.
- Q Did Hill Smith live near you? A Oh, yes sir.
- Q How near? A Part of the time in the same town together.
- Q Where were you during the Civil War? A There in Mississippi.
- Q You were free? A Yes sir.
- Q Did you enlist and fight? A I was too young.
- Q You are now fifty-eight? A Yes.
- Q You were born in 1844? A I don't know how old I was; I remember----
- Q At the time when the war broke out you would be about sixteen years old? A Yes sir, I know.
- Q Now what do you know about whether Hill Smith had a grandfather named Jack Woods? A Well, that's all I remember; I remember Jack.
- Q Did you know Jack Woods? A I saw him several times.
- Q Where did you see him? A About Jackson; first one place and then another.

#9.

- Q How old a man was he when you knew him? A He was an old man.
Q How old a man was he? A I don't know sir.
Q Do you know when he died? A No sir.
Q What was the color of his hair when you knew him? A Long straight black hair; he was white-headed but would have been black; he was gray-headed.
Q Was it curly? A No sir.
Q Did he have any hair on his face? A Had a mustache.
Q Was that black? A No sir.
Q Did you ever hear him speak the Choctaw language? A I don't know.
Q Was he a big man? A Tolerable good-sized man.
Q Was he tall? A Not overly tall.
Q Did you know him way back there in '50? A I was small.
Q Do you know whether Jack Woods ever went to Colonel Wm. Ward the United States Indian Agent and told him he wanted to stay in Mississippi and take land there? A No sir, I don't know that.
Q That was before your time? A Yes sir.
Q Well, all you know then is that you have seen Jack Woods?
A Yes sir.
Q And you can't tell whether or not you thought he had any Choctaw blood? A Yes sir, I took him to be Choctaw.
Q How much do you think he had? A I couldn't say. I was just a kid and he was an old man.
Q You don't know how much he would have? A No sir.
Q Is there anything more that you think of that you want to say in support of this application of Bill Smith? A That's about all I know.
Q What was the name of Jack Woods' wife? A I don't know.
Q Did you ever see the wife of Jack Woods the grandfather of this applicant; did you ever see Jack Woods' wife? A His grandmother?
Q His grandmother? A Yes sir, I saw her a few times.
Q What kind of a looking woman was she? A Red woman; red cast woman.
Q Tall woman or short woman? A I would call her a short woman.
Q What was the color? A Straight.
Q I said the color? A I was thinking whether she was gray or not.
Q Then you don't remember whether it was straight or not?
A I remember it was straight.
Q How can you remember it was straight if you can't remember the color? A I thought you wanted to know whether it was the color of gray hairs or not.
Q You don't remember her very well? A No sir.
Q Don't know how much Choctaw blood she had? A Not for certain I don't.
Q Don't know whether she was a full blood or quarter blood?
A No sir, only what I heard them say

This witness is a man of average intelligence; he doesn't admit that he has negro blood, but doesn't state positively in reference to that; he seems to have a mixture of negro and Indian and white, but he is rather deaf and seems to be a little hard of comprehension.

Witness excused.

#10.

Josh Wallace being sworn as a witness testified as follows:

- Q What is your name? A Josh Wallace.
Q What is your age? A Fifty-six.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A Been here ever since about a month before Christmas.
Q What is your business? A Working at the brick yard for Jesse Haynes.
Q Where were you born? A In Lawrence County, Mississippi.
Q Fifty-six years ago? A Yes sir.
Q Was your father a negro? A No sir.
Q What was his blood? A Part white and part colored.
Q How much white? A He would be about nearly all white.
Q Was he a slave before the war? A No sir, he was not a slave that I know of.
Q What was your mother's blood? A Indian---Choctaw.
Q Was she all Indian? A No sir, she was not all Indian.
Q How much Indian blood did she have? A About three quarter Indian.
Q Choctaw Indian? A Yes sir.
Q Have you ever made application before the Commission to be identified as a Mississippi Choctaw? A I have.
Q You have been before the Commission? A Yes sir.
Q You have got an application pending here now? A Yes sir.
Q Did you make application as a Mississippi Choctaw? A Yes sir.
Q How long ago? A Last August.
Q Where? In Muskogee? A Ateka, Indian Territory.
Q Do you know Hill Smith? A Yes sir.
Q How long have you known him? A Been knowing him about forty some odd years.
Q Did you know him in Mississippi? A Yes sir.
Q How long ago was it since you knew him in Mississippi? A About forty years ago.
Q Forty years ago? A Yes sir.
Q Are you older or younger than he? A Older than Smith.
Q About how much older do you know? A About twenty some odd years older.
Q You are only fifty-six and he's forty-eight? A Somewhere older than he is; right smart older.
Q Where did he live when you knew him in Mississippi? A Jackson.
Q In the city of Jackson? A Yes sir.
Q You both lived there? A Both lived in Jackson, Mississippi, and Water Valley.
Q How far is that from Jackson? A I couldn't tell you exactly how far; between one hundred and some odd miles.
Q Were either you or he slaves or free men at that time? A Neither one of us were slaves.
Q How did you know his grandfather Jack Woods? A Yes sir.
Q Did you know Jack Woods' wife Mamey? A No, I didn't know his wife like I knew him.
Q Did you know her at all? A Yes sir.
Q What do you know about Jack Woods having Choctaw blood? A He called himself Choctaw.

#11.

- Q Do you know about Jack Woods' wife having Chectaw blood? A She was just like other Chectaw woman that I saw; like the Indians down there in Mississippi.
- Q Did she seem to be a full blood Chectaw? A Yes sir.
- Q Any other blood at all, of any kind? A Didn't appear to me like she had any other kind.
- Q What was the color of Jack Woods' hair? A Dark, about like mine is now.
- Q Your hair isn't gray? A Well, I say dark and gray together.
- Q Your hair aint gray? A Call my hair not gray?
- Q Was his hair white? A No sir, it was dark.
- Q With a little bit of gray in it? A Yes sir.
- Q Well, your hair sir is more black than it is gray? Of course I know that.
- Q Then his hair was like yours? A Yes sir.
- Q Was it long or short? A Long.
- Q Did he wear a mustache? A Small mustache, not quite as much as I have got now.
- Q Dark? A Dark and sort of gray.
- Q One or two gray hairs? A Might have been more than that.
- Q Now he claims his Chectaw blood through his mother? A Yes sir.
- Q Did you know his mother? A Yes sir.
- Q What was her name? A Mattie.
- Q Tell me how she looked? A Like an Indian woman.
- Q Was her hair dark or light? A Dark.
- Q Long or short? A Long.
- Q Curly? A No sir.
- Q How were her features? A Her features was high cheek bones and dark or black eyes.
- Q Thick lips? A No sir.
- Q Thick nose? A No sir.
- Q She was a bright color was she? A Yes sir.
- Q Pretty light? A Yes sir, like Chectaws.
- Q Well, you know some Chectaws are not very bright? A Some are not.
- Q How much Chectaw blood do you know she had? A She claimed full blood.
- Q Did you ever hear her say that she was full blood? A Yes sir.
- Q Did you hear her speak the Chectaw language? A Yes sir.
- Q Do you know the Chectaw language? A I don't know all of it; I know some of it.
- Q How much can you speak? A Three or four words.
- Q Do you know whether she could talk right along in the Chectaw language? A Yes sir, she could speak it right along.
- Q You know that do you? A Yes.
- Q Do you think you know the Chectaw language well enough yourself to know that she could talk it right along? A Yes sir.
- Q Well, you know some words and if you hear them you know they are Chectaw words? A Yes sir.
- Q You don't know all the words? A No sir.
- Q Do you know whether any of the ancestors of Hill Smith complied with article fourteen of the treaty of 1830? A I don't know.
- Q All you know about the ancestors of Hill Smith is that you have seen Jack Woods and his wife Mossey and their daughter Mattie, the mother of this applicant, and their reputation was that they had Indian blood? A Yes sir.

#12.

- Q And you think they did? A Yes sir, I knew it. I don't think anything about it.
- Q How you have known Hill Smith a long time; how much Choctaw blood do you think he has? A I think he ought to claim half from his father and mother.
- Q By his father and mother? A Yes sir.
- Q The mother was full blood and the father was what?
- A Colored.
- Q And he ought to claim one half colored and one half Choctaw, is that it? A Yes sir.
- Q Are you sure he hasn't any white blood? A I couldn't say; I don't suppose he could have any white blood in there that way.
- Q He couldn't have any white blood unless he had white blood could he? A No sir.
- Q Is there anything more you want to say now about this case?
- A Nothing more unless you want to ask me more questions.
- Q You can't tell anything more about his claim can you; you don't know anything about the treaty of 1830? A No sir.
- Q Or article fourteen of that treaty? A No sir.
- Q You don't know anything about the Commission of 1837 or 1842?
- A No sir.
- Q Do you know whether Jack Woods ever received or owned any land in Mississippi which he got from the government as a Choctaw Indian? A No sir.
- Q Did you ever hear that him or his wife Messey claimed any land in Mississippi? A No sir.
- Q They didn't own any land did they? A I don't think they did; I have seen him selling baskets with his wife, but most I seen him is hunting; she made baskets and sold them all the time.
- Q You never heard him say, or his wife Messey say that they want to Colonel Ward and tried to claim under article fourteen of the treaty of 1830? A No sir.
- Q Do you know whether they got any scrip which entitled them to hold land either in Mississippi or Alabama? A No sir.
- Q You have told all you knew? A All I know.

Witness excused.

The applicant Hill Smith has the appearance and physical characteristics of being descended from a mixed ancestry composed of negro and Indian blood. He claims the Indian blood to be Choctaw blood, and says he was born in the state of Mississippi. The Commission is of the opinion that he has Indian blood, although the Commission is not able to determine whether he has as much Indian blood as he claims. His hair is short but it isn't curly and is black; he has a very heavy mustache which is coal black and which is straight; features show both negro and Indian characteristics; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. The witnesses which he calls testify merely to a personal knowledge of his mother and of grandmother and grandfather of this applicant and state their belief that they had Choctaw blood.

613.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27 day of June, 1902.

Charles H. W. W. W.
Notary Public.

2102

C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Hill Smith, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

Hill Smith, et al.,	M.C.R.	5730
Green Smith,	"	5893
Jessie Dumas, et al.,	"	5933
Mattie Johnson, et al.,	"	5934

----- D E C I S I O N -----

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Hill Smith for himself and his three minor children, Moses, Billy,
and Hecsey Smith; by Green Smith for himself; by Jessie Dumas for her-
self and her eight minor children, Marshall, John, Rinda, Algy, Floyd,
Pearl, Marie and Ruby Dumas, and for her minor ward, Mary Ward, and
by Mattie Johnson for herself and her minor child, James Johnson,
under the following provision of the act of Congress approved June 23,
1898 (30 Stat., 492):

"This Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-sev-
enth, eighteen hundred and thirty, and to that end may adminis-
ter oaths, examine witnesses and perform all other acts neces-
sary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jack Woods (or Wood) and Hoesey (or Hoesy, or Hossie, or Harsey) Woods (or Wood), both alleged to have been full blood Choctaw Indians and to have resided in Mississippi in eighteen hundred and thirty; that the minor applicant, Mary Ward, applied for in H.C.R. 5953 also claims said rights by reason of being a descendant of Sarah Smith and Bob Ward, who are alleged to have been full blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jack Woods (or Wood) or Hoesey (or Hoesy or Hossie or Harsey) Woods (or Wood), or Sarah Smith or Bob Ward, or an ancestor less remote, signified

(in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hill Smith, Moses Smith, Billy Smith, Mossey Smith, Green Smith, Josie Dumas, Marshall Dumas, John Dumas, Rinda Dumas, Algy Dumas, Floyd Dumas, Pearl Dumas, Maria Dumas, Ruby Dumas, Mary Ward, Mattie Johnson, and James Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Witness

Tamir Dancy

Acting Chairman.

Witness

T. P. Madec

Commissioner.

Witness

C. R. Irckinridge

Commissioner.

Muskogee, Indian Territory,

JAN 13 1907

M.C.R. 5788

Muskogee, Indian Territory, August 9, 1902.

Watkins & Ramphendahl,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

The Commission is in receipt of your communication of the 8th inst. , enclosing interrogatories to be propounded to Sally Henderson, to be read in evidence in the application of Hill Smith, an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes; also the affidavit of Hill Smith wherein he sets forth his reasons for desiring to have said deposition taken.

These documents are returned to you for the reason that no service of a copy thereof has been made upon the attorneys for the Choctaw and Chickasaw Nations as required by rules 12 and 13 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed you.

It is suggested that the best means of securing service upon the attorneys for the Choctaw and Chickasaw Nations is to have the United States Marshal for the Central District, Indian

Watkins & Ramphensahl-----3

Territory, serve a copy of said interrogatories upon them, and make his return of service upon the back of the original interrogatories.

Before a commission will be issued for the taking of depositions, the rules and regulations governing the procedure in the taking and submission of same must be strictly complied with.

Yours truly,

Acting Chairman

Enclosure
C.H. 131.

Muskogee, Indian Territory, August 19, 1902.

Watkins & Ramphendahl,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

The Commission is in receipt of two sets of direct interrogatories to be propounded to Sallie Henderson, one of which is to be read in evidence in the application of Hill Smith, et al., for identification as Mississippi Choctaws; the other has nothing to indicate in what application it is to be read in evidence.

These documents are returned to you for the reason that there are no affidavits accompanying them signed by the applicants in whose applications they are to be used as evidence. Your attention in this regard is called to Sections B and D of Rule 8 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws.

The proof of service of copies of these interrogatories upon the attorneys for the Choctaw and Chickasaw Nations is in due form and when the proper affidavits are filed and the name of the applicant in whose application one of these interrogatories is to be filed, is inserted, these documents will be filed with and made

~~Watkins & Ramphendale~~-----3

a part of the applications in which they belong.

A copy of the Rules and Regulations above referred to is
herewith enclosed you.

Yours truly,

ating Chairman

2 enclosures
G.H. 151 and 152
Rules and Regulations

Muskogee, Indian Territory, August 22, 1902

Watkins & Ramphendahl,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:-

The Commission is in receipt of your communication of the 21st inst., enclosing the affidavit of Hill Smith, an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes, also direct interrogatories to be propounded to Sallie Henderson, to be read in evidence in the above application.

These documents, together with proof of service of a copy of the interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, being in due form have been filed with and made a part of the record in the application of Hill Smith, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued authorizing the taking of these depositions, and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Acting Chairman

Muskogee, Indian Territory, September 6, 1902

Watkins & Ramphendahl,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed please find a commission to take the deposition of Sallie Henderson, to be read in evidence in the application of Hill Smith, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Attached to said commission are direct and cross interrogatories and blank caption and certificate.

You will have these documents placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition have same returned to this Commission in order that the application in which it is to apply may be brought to a final determination at an early date.

Yours truly,

Acting Chairman

Enclosure
G.H. 29

Muskegee, Indian Territory, January 13, 1903

Hill Smith,

Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hill Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Hill Smith, et al.,	M.C.R. 5788
Green Smith	" 5893
Jessie Dumas, et al.,	" 5953
Mattie Johnson, et al.,	" 5954

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hill Smith, Moses Smith, Billy Smith, Measey Smith, Green Smith, Jessie Dumas, Marshall Dumas, John Dumas, Rinda Dumas, Algy Dumas, Floyd Dumas, Pearl Dumas, Mamie Dumas, Ruby Dumas, Mary Ward, Mattie Johnson and James Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 13, 1903.

Manafield, McMurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hill Smith, et al., embracing the following applications for identification as Mississippi Cheetaws:

Hill Smith, et al.,	M.C.R. 5788
Green Smith	" 5893
Jessie Dumas, et al.,	" 5953
Mattie Johnson, et al.,	" 5954

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hill Smith, Moses Smith, Billy Smith, Messey Smith, Green Smith, Jessie Dumas, Marshall Dumas, John Dumas, Rinda Dumas, Algy Dumas, Floyd Dumas, Pearl Dumas, Mamie Dumas, Ruby Dumas, Mary Ward, Mattie Johnson, and James Johnson, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

-2-

time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman

COPY.

Muskogee, Indian Territory, January 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Hill Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 13, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Hill Smith, et al.,	M.C.R. 5788,
Green Smith,	" 5893,
Josie Dumas, et al.,	" 5953
Mattie Johnson, et al.,	" 5954.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 5788.

SIGNED.

Tams Dixby.

Acting Chairman.

Land
7311-1903.

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Hill Smith, for himself and his three children Moses, Billy and Mossey Smith; Green Smith; Josie Dumas, for herself, eight children, Marshall, John, Rinda, Algy, Floyd, Pearl, Mamie and Ruby Dumas, and for her ward, Mary Ward; Mattie Johnson, for herself and child James Johnson, wherein a decision adverse to the applicants was rendered by the Commission on January 13, 1903.

An examination of the record in this case shows that the applicants claim identification by reason of their descent from Jack Woods and Mossey or Marsey Woods, except Mary Ward, who in addition to the above ancestors claims Choctaw ancestry in Sarah Smith and Bob Ward. It is claimed that all of the ancestors above given are citizens of the Choctaw Nation, and resided in Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants

is based on the ground that its records do not show that Jack Woods (or Wood), Mossey (or Mossy or Mossie or Marsey) Woods (or Wood), or Sarah Smith or Bob Ward, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined with reference to the names of Jack Woods, Mossey or Marsey Woods, Sarah Smith and Bob Ward, and it is found that they are not included among those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully.

A. C. TONER.

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, April 18, 1903.

D.C. 11656-1903.
I.T.D. 1948-1903.
IRS.

(Copy)

J.W.H.
FHE

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 29, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Hill Smith (M.C.R. 5788), for himself and his three minor children, Moses, Billy and Mossey Smith; of Green Smith for himself; of Josie Dumas for herself and her eight minor children, Marshall, John, Rinda, Algy, Floyd, Pearl, Mamie and Ruby Dumas, and for her minor ward, Mary Ward; and of Mattie Johnson for herself and her minor child, James Johnson, including your decision of January 13, 1903, denying their applications.

It seems that these applicants are the descendants of one Mattie Smith, a full blood Choctaw who was born between 1812 and 1822 near Jackson, Mississippi, and who died in 1892. She was the daughter of Jack and Mossey (or Mossey, or Mossie, or Marsey Woods, both of whom were full blood Mississippi Choctaws. Jack Woods died near Jackson, Mississippi.

It further appears that applicant Mary Ward is the daughter of a full blood Choctaw named Bob Ward, and that he is now living,

Reporting in the matter February 16, 1903, the Acting Commissioner of Indian Affairs recommended that your action be ap-

proved.

The Department considers that final action should not be taken in the case at this time, owing to the fact that the father of Mary Ward is a full blood Choctaw. It is possible that her father is one of the full blood Choctaws who have been identified by you as Mississippi Choctaws. If such is the case, she too, is entitled to identification as such, in accordance with the opinion of the Assistant Attorney General rendered March 17, 1903. It is therefore desired that you ascertain whether her father, Bob Ward, is now living, and whether he has been identified by you as a Mississippi Choctaw.

Your attention is directed to the affidavit of Sallie Henderson, filed as a part of the record in the case. Her testimony, given in response not only to the direct interrogatories, but also in response to the cross interrogatories, shows that the ancestors of these applicants "went before Mr. Ward for the purpose of complying with the 14th article of the treaty."

Your opinion is desired, together with your reasons for the same, as to whether the matters stated in the deposition of Sallie Henderson are sufficient to identify these applicants as Mississippi Choctaws.

The case is herewith returned to you for appropriate action in accordance with the directions herein contained.

-5-

The record is inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, May 15, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 29, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Hill Smith, et al., together with its decision of January 13, 1903, refusing the applications of the several applicants included therein for identification as Mississippi Choctaws.

With departmental letter of April 18, 1903, (I T D 1948-1903) the record in this case was returned for further consideration of the Commission.

In your letter you state as follows:

"The Department considers that final action should not be taken in the case at this time, owing to the fact that the father of Mary Ward is a full blood Choctaw. It is possible that her father is one of the full blood Choctaws who have been identified by you as Mississippi Choctaws. If such is the case, she too, is entitled to identification as such, in accordance with the opinion of the Assistant Attorney General rendered March 17, 1903. It is therefore desired that you ascertain whether her father, Bob Ward, is now living, and whether he has been identified by you as a Mississippi Choctaw.

Your attention is directed to the affidavit of Sallie Henderson, filed as a part of the record in the case. Her testimony, given in response not only to the direct interrogatories but also in response to the cross interrogatories, shows that the ancestors of these applicants 'went before Mr. Ward for the purpose of complying with the 14th article of the treaty.'

Your opinion is desired, together with your reasons for the same, as to whether the matters stated in the deposition of Sallie Henderson are sufficient to identify these applicants as Mississippi Choctaws."

Reporting in this matter the Commission has to advise that it does not appear from our records that any person by the name of Bob Ward, a full blood Choctaw, has ever made application to this Commission for identification as a Mississippi Choctaw and no person by that name has been identified by this Commission as such.

With reference to the deposition of Sallie Henderson, filed as a part of the record in this case, while in said deposition it is stated that the ancestors of the applicants in this case went before Mr. Ward with the intention of informing him that they intended to stay in Mississippi and take land there, this testimony is not conclusive as to these persons having complied with the provisions of article 14 of the treaty of 1830, and it does not appear from the records in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of said article of said treaty, and to persons who heretofore were claimants thereunder, that Jack Woods and Mossie Woods, the ancestors of the applicants herein, signified to Colonel William Ward, Indian Agent, Choctaw Agency, their intention to comply with the provisions of said article 14, or presented a claim to

- 3 -

rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, and August 23, 1848.

The record in the consolidated Mississippi Choctaw case of Hill Smith, et al. is therefore herewith returned.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

MoK 14

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
28538-1903.

WASHINGTON, May 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith letter of M. E. Evans, of Shiloh, Oklahoma Territory, of April 24, 1903, which was forwarded by the Department to this office on the 4th instant, making complaint against Mrs. Josie Dumas, an applicant for identification as a Mississippi Choctaw.

The writer of the letter says that Mrs. Dumas moved from Shiloh last fall, and it is understood that she filed her claim as an Indian by blood, with her half-brother and sister, and nephew,- the half-brother's name being Hill Smith; that they have no Indian blood in their veins,- Mrs. Dumas having admitted to the writer that she had no Indian blood in her. The Josie Dumas referred to in the letter is an applicant for identification in the consolidated Mississippi Choctaw case of Hill Smith and others (ITD 1948-1903). This case was remanded to the Commission, for further investigation, by the Department on April 18th, and I therefore recommend that the letter be sent to the Commission for consideration in connection with the disposition of the case.

Very respectfully,

A. O. Tonner,
Acting Commissioner.

EBH'r-0.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 3, 1903.

Land.
31807-1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of Hill Smith for himself and his three minor children, Moses, Billy and Mossey Smith; by Green Smith for himself; by Josie Dumas for herself and her eight minor children, Marshall, John, Rinda, Algy, Floyd, Pearl, Mamie and Ruby Dumas, and for her minor ward, Mary Ward; and by Mattie Johnson for herself and her minor child, James Johnson; wherein a decision adverse to the applicants was rendered by the Commission, January 13, 1903. February 18, 1903, this case was transmitted to the Department, after careful consideration, with the recommendation that the decision of the Commission rejecting the applicants be approved.

The testimony in the case shows that the applicants base their claims to identification by reason of their descent from Jack Woods and Mossey, or Marsey Woods, except Mary Ward, who, in addition to the above ancestors, claims Choctaw ancestry in Sarah

Smith and Bob Ward. It is claimed that all of these ancestors above given were citizens of the Choctaw Nation, and resided in Alabama or Mississippi in 1830. The decision of the Commission rejecting these applicants is based on the ground that its records do not show that Jack Woods, or Wood, Moosey, or Moosy, or Moosie, or Marsey Woods, or Wood, Sarah Smith, or Bob Ward, or an ancestor less remote ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. April 13, 1903, Department remanded this case to the Commission for further consideration, and set forth the case as follows:

"The Department considers that final action should not be taken in the case at this time, owing to the fact that the father of Mary Ward is a full blood Choctaw. It is possible that her father was one of the full blood Choctaws who have been identified by you as Mississippi Choctaws. If such is the case, she too, is entitled to identification as such, in accordance with the opinion of the Assistant Attorney General rendered March 17, 1903. It is therefore desired that you ascertain whether her father, Bob Ward, is now living, and whether he has been identified by you as a Mississippi Choctaw.

Your attention is directed to the affidavit of Sallie Henderson filed as a part of the record in the case. Her testimony, given in response not only to the interrogatories but also in response to the cross interrogatories, shows that the ancestors of these applicants went before Mr. Ward for the purpose of complying with the 14th article of the treaty."

Your opinion is desired, together with your reasons for the same, as to whether the matters stated in the deposition of Sallie Henderson are sufficient to identify these applicants as Mississippi Choctaws."

The case is herewith returned to you for appropriate action in accordance with the directions herein contained.

The letter from the Commission dated May 15, 1903, reporting

on this letter remanding the case to them is in part as follows:

"The Commission has to advise that it does not appear from our records that any person by the name of Bob Ward, a full blood Choctaw, has ever made application to this Commission for identification as a Mississippi Choctaw and no person by that name has been identified by this Commission as such.

With reference to the deposition of Sallie Henderson, filed as a part of the record in this case, while in said deposition it is stated that the ancestors of the applicants in this case went before Mr. Ward with the intention of informing him that they intended to stay in Mississippi and take land there, this testimony is not conclusive as to these persons having complied with the provisions of article 14 of the treaty of 1830, and it does not appear from the record in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of said article of said treaty, and to persons who heretofore were claimants thereunder, that Jack Woods and Mossie Woods, the ancestors of the applicants herein, signified to Colonel William Ward, Indian Agent, Choctaw Agency, their intention to comply with the provisions of said article 14, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, and August 23, 1842."

These being the facts in the case, it is the opinion of this office that the decision of the Commission rejecting these parties is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,
Commissioner.

CTC-CGC.

COPY

WCF.
PHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 13, 1903.

D.C.31935-1903.

ITD.7090-1903.

1948- "

L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws of Hill Smith (M.C.R.5788), for himself and his three minor children, Moses, Billy, and Mossey Smith; of Green Smith for himself; of Josie Dumas for herself and her eight minor children, Marshall, John, Rinda, Algy, Floyd, Pearl, Mamie and Ruby Dumas, and for her minor ward, Mary Ward; and of Mattie Johnson for herself and her minor child, James Johnson, which was transmitted by you January 29, 1903.

The applicants in this case trace their descent from Jack and Mossey (or Mossey, or Mossie, or Marsey) Woods, through their daughter Mattie Smith, mother of the principal applicant Hill Smith, it being alleged that said ancestors were full blood Choctaw Indians and residents of Mississippi in 1830.

It further appears that the applicant Mary Ward is the daughter of a full blood Choctaw named Bob Ward, and that he was living at the date of the application.

Your decision rejecting the applicant was rendered January 13, 1903, On April 18, 1903, the record in the case was returned to you for further consideration, inasmuch as it appeared that Bob Ward, father of Mary Ward, is a full blood Choctaw, and you ^{were} ~~are~~ directed to ascertain whether or not Bob Ward is now living, and has been identified by you as a Mississippi Choctaw. Your attention was also directed to the affidavit of Sallie Henderson, filed as a part of the record in the case, and your opinion was requested as to whether the matters stated in the deposition of Sallie Henderson are sufficient to identify these applicants as Mississippi Choctaws.

In your letter of May 15, 1903, resubmitting the case, you state that it does not appear from your records that any person by the name of Bob Ward, a full blood Choctaw, has ever made application to your Commission for identification as a Mississippi Choctaw, and no person by that name has been identified by your Commission as such. You also state with reference to the deposition of Sallie Henderson;

"While in said deposition it is stated that the ancestors of the applicants in this case went before Mr. Ward with the intention of informing him that they intended to stay in Mississippi and take land there, this testimony is not conclusive as to these persons having complied with the provisions of article 14 of the treaty of 1830, and it

does not appear from the records in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of said article of said treaty, and to persons who heretofore were claimants thereunder, that Jack Woods and Mossie Woods, the ancestors of the applicants herein, signified to Colonel William Ward, Indian Agent, Choctaw Agency, their intention to comply with the provisions of said article 14, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, and August 23, 1842."

Reporting in the matter October 3, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department considers the record evidence insufficient to establish the identity of the applicants, and therefore concurs in the recommendation of the Commissioner. Your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5788.

COPY

Muskogee, Indian Territory, November 30, 1903.

Hill Smith,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hill Smith, et al., of which decision you were advised by registered mail on the 13th day of January, 1903.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

COPY:

M C R 5788

Muskogee, Indian Territory, November 30, 1903.

Watkins & Rampendahl,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hill Smith, et al.

Respectfully,

(SIGNED)

Tame Dinky
Chairman.

COPY.

M.C.R. 5780.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hill Smith, et al., of which decision you were advised by mail on the 13th day of January, 1903.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

Consolidated Case
of
Hill & Smith et al

5788

CARD No. NAME RESIDENCE COUNTY POST OFFICE Age Sex

mcr
5788

Hill Smith 48-1/2

wife

Bettie Smith
(negro)

mcr

5788
Moses Smith 15

Billy " 16

Mossey " 11

mcr

5893
Green Smith 22-1/4

mcr

5953
Marshall Dumas 15

John Dumas 16

Rinda Dumas 14

Algy Dumas 10

Floyd Dumas 7

Pearl Dumas 4

Mamie Dumas 3

Ruby Dumas 1

mcr
5953

Josie Smith 40-1/2

mar

Mathias Dumas

John Smith 1/2

wife

Sarah Smith (fl)

Lena Smith 3/4

dead

mar

Bob Ward (fl)

mcr
5953

Mary Ward 13

mcr
5954

Mattie Smith 36-1/2

mar

Henry Johnson
(dead)

mcr
5954

James Johnson 17

(96 or 97?)

Jack Woods (fl)

(60-70-80)

Mattie Woods (fl)

(or Matie ")

+

Bill Smith
(negro) (dead)

Mossey Woods (fl)
(or Marsey ")

her half Brothers
name is one -
hill-smith per my
sister I don't know her
Mariah Murney and
I all so learned that
Miss Gummus put on
Role 3 of her children
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der age. I know my
self 2 of the Boys was
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and I sir they I know
that they hasn't any
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she did not have any

28538

3958



Shiloh

4-10-27-1903

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28538

Indian Office

Incl. No. /

1903

Department of the Interior,
RECEIVED.

MAY 27 1903

Enc. No. 1 of No. 4670

Indian Territory Division.

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5788

For Identification as a Mississippi Choctaw.

Date

JUN 7 1902

Name *Will Smith -*

Age *48 -* Blood *1/2*

Post-Office, *Muskogee, I. T.*

Father: *Bice Smith -* d.

Mother: *Mattie ..* d.

Claims through mother -
wife.

Bettie Smith - b. colored

To claim for wife -

Children:

Moses Smith . 18

Billy .. 16

Mosey .. 11

Claims for self
and 3 children.

Stenographer *A. H. Mc Millan*

Choctaw MCR 5789

Albert Ferri II

MCR 5789

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

--o--

In the matter of the application of Albert Ferrill, et al.,
for identification as Mississippi Choctaws, M.C.R. 5739.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Albert Ferrill, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Hill Smith before the Commission-----	5
Testimony of General Lew Wallace-----	7
Application of Albert Ferrill to the Com- mission to take depositions of witnesses-----	9
Commission to take depositions-----	10
Deposition of Sallie Henderson-----	11
Decision of the Commission refusing the ap- plication of Albert Ferrill, et al., for identification as Mississippi Choctaws-----	22

--o--

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I.T. June 7, 1902.

5789

In the matter of the application for identification as Mississippi Choctaws of Albert Ferrill for himself and his minor daughter, Pearl Ferrill.

John Watkins attorney for applicants.

Albert Ferrill being first duly sworn testifies as follows:

-Examination by the Commission:-

- Q What is your name? A Albert Ferrill, F-e-r-r-i-l-l.
- Q What is your age? A About forty sir.
- Q What is your post office address? A At the present Muskogee.
- Q How long have you lived in Muskogee? A I came here last October.
- Q What is your occupation? A I am janitor down at the Haddin building now.
- Q Where did you live before you came to Muskogee? A Over at Jefferson, Texas.
- Q How long have you lived in Indian territory? A Since the first of October.
- Q Where were you born? A In Water Valley, Mississippi.
- Q How long did you live in Mississippi before you left that state? A I don't know just exactly we left about some time between seventy and eighty.
- Q You were just a boy ten or twelve years old then? A Yes; I suppose so.
- Q Did you go from there to Texas? A Went from there to Texas.
- Q Is your father living? A No, sir.
- Q Is your mother living? A No, sir.
- Q What is your father's name? A Ed Ferrill.
- Q E-d, A Yes, sir.
- Q What was your mother's name? A Susan Ferrill, she was a Dean first.
- Q That was her maiden name? A Yes, sir.
- Q Through which parent do you claim Choctaw blood? A Grandfather and grandmother.
- Q Father or mother? A Mother.
- Q How much Choctaw blood do you claim? A My mother was a full blood.
- Q What was your father's blood? A He had Choctaw and Negro.
- Q How much Negro did he have? A I don't know just how much it was, mixed with Choctaw.
- Q You know how much Choctaw blood he had? A I think about one-half; I don't know for certain.
- Q Do you mean that you claim through both father and mother? A No, sir.
- Q Why don't you claim Choctaw blood from both parents if both had Choctaw blood? A I claim it through both if I must.
- Q How much Choctaw blood do you figure you have? A I don't know, I expect I ain't quite half but I am over a quarter.

- Q Your mother was a full blood? A Yes, sir.
- Q If your mother was a full blood you have half of that? A Yes, sir.
- Q If your father was half you would have half of that? A Yes, sir.
- Q That would make three-quarters? A Yes, sir.
- Q Is that what you claim? A Yes, sir.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
- Q Do you claim any white blood? A No, sir; not a bit.
- Q Was your father a slave at any time? A If he was I don't know it.
- Q Or your mother? A My mother was not.
- Q You know when and where your father and mother were married? A No, sir.
- Q Were they married by a minister and under a license or according to the Choctaw custom? A I don't know just how they were married.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Mary.
- Q What is her blood? A She is mixed with Indian and Negro but I don't know what tribe.
- Q You don't claim anything for her as a Choctaw? A No, sir.
- Q Is she living? A Yes, sir.
- Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Nothing but my baby girl four years old.
- Q What is the name of that girl? A Pearl.
- Q How old is Pearl? A Four years old the first of June.
- Q You claim for yourself and children do you? A Yes, sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Is this the first application you have ever made for enrollment of yourself and child as members of the Choctaw tribe? A Yes, sir.
- Q Either to the Choctaw tribal authorities or the United States authorities? A Yes, sir.
- Q Do you now come before the Commission to be identified, yourself and this child, as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir; I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It was made on the 27th day of September 1830, and was ratified on the 24th day of February 1832. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian territory. They preferred to stay back there in the old Choctaw Nation, East of the Mississippi River. In order, therefore, to protect their interests some provision had to be made for them in the treaty and so article fourteen was drafted and put into the treaty for the especial benefit and protection of Mississippi Choctaws.

who stayed back there in the old Choctaw Nation. The treaty was then, afterwards, signed with this article in it as a part of it. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that well enough to claim under it?
A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Susan Dean and Ed Ferrill my father.
- Q Well Susan Dean is your mother? A Yes, sir.
- Q I want you to go back as far as you can and give me the ancestor of yours; your father's mother or father and also on your mother's side? A Old Charlie Dean was my mother's father; my grandfather and Lucinda Dean was my mother's mother.
- Q Who do you claim through on your father's side? A Nothin only through my father.
- Q Your father got his Choctaw blood through his father or mother? I don't know which.
- Q You cannot go back on your father's side at all? A No, sir.
- Q Do you know whether any of your Choctaw ancestors, either on your father's side or on your mother's side complied with the provisions of article fourteen of the treaty of 1830 or not? A I don't know sir whether they did or not.
- Q How much Choctaw blood did Charlie Dean have? A He was full blooded.
- Q How much did his wife Lucinda have? A She was full blooded.
- Q How old would Charlie Dean be if living now? A I don't know.
- Q How old would his wife be if living now? A I don't know.
- Q When and where was she born? A In Mississippi I suppose but I don't know.
- Q Was Charlie Dean born there? A I don't know sir.
- Q Did he live in Mississippi in 1830? A Yes, sir.
- Q Did he have a family there then? A Yes, it was a family.
- Q How many children do you know? A I don't know sir.
- Q What makes you think he lived in Mississippi in 1830 and had a family there then? A Mother told me he lived there.
- Q How old would your mother be if living now? A Somewhere about eighty.
- Q Was born where? A Born at water Valley, Mississippi.
- Q Did your mother have any brothers or sisters, either elder or younger than herself? A She told me she did.
- Q Elder or younger? A Two of them elder but they are both dead.

- Q You have reason to believe then that your grandfather Dean and his wife Lucinda were living in Mississippi in 1830? A Yes, sir.
- Q And had children there then? A Yes, sir.
- Q Do you know whether your mother's father and mother complied with the provisions of article fourteen of the treaty of 1830 by going to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and telling him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir whether they did or not.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A If they did I don't know it.
- Q Did any of your Choctaw ancestors especially Charley Dean or his wife Lucinda own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A No, sir; not that I know of.
- Q Did either Charley Dean or his wife Lucinda understand or speak the Choctaw language? A His mother said her father could speak it well; she never said anything about her mother.
- Q Did your mother speak the Choctaw language? A Yes, sir.
- Q Do you speak it? A No, sir.
- Q How do you know she spoke the Choctaw language? A She spoke something and she said it was Choctaw; she used to try to teach me children..
- Q Did either Charley Dean or his wife Lucinda have Indian names? A I don't know whether it is an Indian name or not; his name was Charley Dean and her name was Lucinda Dean.
- Q These are the only names you knew them by? A Yes, sir.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the State. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. His neglect to make a proper registration of those Indians who came before him within six months from the ratification of the treaty and who registered under article fourteen caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by act approved March 3, of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act approved August 23rd of that year another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No, sir. I don't know whether they did or not.

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- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas this scrip was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold? A No answer.
- Q Have you had any relatives who have been before the Commission to be identified as Mississippi Choctaws? A None that I know of; if they have I don't know it.
- Q Have you any other proof you want to introduce now in support of this claim? A

Attorney:

We have two witnesses.

Commission:

- Q Is there anything further you would like to say in support of this claim? A Attorney; No, sir.

applicant excused.....

Hill Smith called as a witness in behalf of applicant after being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Hill Smith.
- Q Are you the identical Hill Smith who made application to be identified as a Mississippi Choctaw this date? A Yes; the same one.
- Q What is your age? A Forty-eight.
- Q What is your post office address? A Muskogee.
- Q What is your occupation? A I am just working; I am a carpenter some times; first one thing and then another.
- Q How long have you lived in the Indian Territory? A About eight months.
- Q Where did you live before you came to the Territory? A In Arkansas.
- Q Where were you born? A In Mississippi.
- Q How long did you live in Mississippi? A About thirty eight years.
- Q How long? A About thirty-eight years.

Examination by attorney Watkins.

- Q Are you acquainted with Albert perrill the applicant here for citizenship? A Yes, sir.
- Q How long have you known him? A Ever since I was a boy; for quite a while until he left there; they left there a long time ago.
- Q Are you acquainted with his mother? A Yes, sir.
- Q What was her name? A Susan Perrill.
- Q You know her maiden name? A She was a Dean.
- Q Are you acquainted with Albert's father? A Ed Perrill.
- Q That? A Yes, I knew him better than this boy.

- Q State to the Court what you know about their having Choctaw blood? A His father seemed to have some Choctaw blood in him and his mother looked as a full blood.
- Q Full blood Choctaw Indian? A Yes, sir.
- Q Tell the Court where you knew them at? A There in Mississippi.
- Q What County? A Yalobusha County; we was raised right together.
- Q Well, were they both recognized as Choctaw Indians? A Yes; his mother was.
- Q As a full blood? A Yes, sir.
- Q His father as part? A Yes; he claimed that.
- Q Then you have known Albert Ferrill ever since he was a boy? A Yes, sir; I knew him but I had not seen him for a long time.

By the Commission:

- Q All you know is that he use to live in Mississippi and that you knew some of his ancestors and you considered that they had some Choctaw blood? A Yes, sir.
- Q You don't know anything about whether any of his ancestors complied with article fourteen of the treaty of 1830? A No, sir.
- Q You don't know anything about that article as applying to this claim? A No, sir.
- Q Don't know whether they ever had any land or claimed any in Mississippi or Alabama in the old Choctaw Nation? A I don't think they ever had any land.
- Q Don't know whether they ever made application under article fourteen for any? A No, sir.
- Q Don't know whether they ever made application before the Commission of 1837 or the Commission of 1842? A No, sir; I don't.
- Q These two Commissions were appointed by various acts of Congress to investigate the complaints of Indians who claimed that their land had been taken from them and sold by the government because Colonel Ward had neglected to put their names upon his registration list under the treaty of 1830; but you never heard anything about whether the ancestors of this applicant went before either of these Commissions and claimed any benefits as Choctaw Indians? A No, sir.
- Q You never heard that they got any scrip from the government for the reason that their land had been taken from them? A No, sir.
- Q You just simply know that these people were recognized by their friends and neighbors as at least part Choctaws? A His mother was recognized as a full blood.
- Q By the neighbors? A Yes, sir.
- Q What was her physical appearance? A She was quite a good sized woman not very tall.
- Q Thick set? A Well very heavy set.
- Q Was she old when you knew her? A No, sir; not very old; she might have been older than I really thought she was.
- Q What was the color of her hair? A Black.
- Q Straight? A Yes, sir.
- Q Long or short? A Very long; very long.
- Q Curled? A Yes, sir.
- Q Did she look as if she had any white blood? A No, sir; I don't think she had a drop in her.
- Q Did she have any Negro blood? A No, sir; I don't think she did.
- Q Did you say you knew this applicant's grandfather and grandmother Charley Dean and his wife Lumina? A I saw his grandfather Charlie Dean; I have seen him several times.
- Q What was his physical appearance? A He was just like all other full blooded Choctaws; long straight black hair; well the old

man was a little gray but you might say his hair was black.

Witness excused.

General Lew Wallace, called as a witness in support of this application, after being first duly sworn testifies as follows:

-Examination by the Commission:-

- Q What is your name? A General Lew Wallace.
 Q You have made application to be identified as a Mississippi Choctaw? A Yes, sir.
 Q You have been before the Commission in the case of Hill Smith as a witness? A Yes, sir.
 Q You knew Hill Smith down there in Mississippi? A Yes, sir.
 Q Do you know Albert Perrill too? A Yes, sir.
 Q What is your age? A About fifty-eight.
 Q What is your post office address? A Now?
 Q Yes? A Atoka.
 Q How long have you lived in Atoka? A Something over a year.
 Q Where did you live before that? A In Cairo, Illinois.
 Q Where were you born? A Mississippi.
 Q Did you go from Mississippi to Illinois? A Yes, sir.
 Q From Illinois where? A Atoka.
 Q What is your business? A Most anything; working around doing most anything.

-Examination by attorney Watkins:-

- Q How long have you been acquainted with Albert Perrill? A Quite a while.
 Q About how many years? A I knew him twenty years ago,--nearly thirty years ago.
 Q Where did you know him thirty years ago? A Down in Mississippi.
 Q What part of Mississippi? A Yalobusha.
 Q You mean Yalobusha County, Mississippi? A Yes, sir; Water Valley.
 Q Was you acquainted with his mother? A Yes; some.
 Q Acquainted with his father? A Yes; I seen him.
 Q Was his mother a Choctaw Indian or not? A She claimed full blood.
 Q How much did his father claim if any? A His father claimed half.
 Q Well did he show that through appearance? A Yes, sir.
 Q Was you acquainted with Charles' mother's father? A Not much.
 Q Did you ever see him? A Yes, sir.
 Q What was his name? A I was not acquainted with him very much.
 Q But you seen him? A Yes, sir; I was a kid.
 Q Was he known as a Choctaw Indian? A Yes, sir.
 Q Full blood? A That is what they claim.
 Q They were recognized in that Country as being Choctaw Indians by blood? A Yes, sir.
 Q You never knew them to be anything else but Choctaws? A No, sir.

-Examination by the Commission:-

- Q Did you ever hear that Albert Perrill or his father Ed or his mother Susan or any of his ancestors were at any time slaves? A No, sir.

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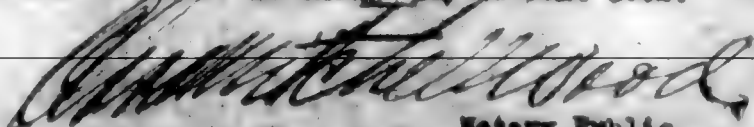
- Q You simply testify then in regard to the fact that according to your best information and believe the ancestors of this applicant had Choctaw blood? A Yes, sir.
- Q Do you undertake to say just how much Choctaw blood they did have? A No, sir.
- Q That Choctaw blood in some of them was mixed with negro? A That is what his father claimed; Negro..
- Q You claim that Charley Dean was a full blood Choctaw; Charley, No, sir; his father.
- Q I am talking about Charley Dean? A I understand you now.
- Q I am talking about Charley Dean; how much Choctaw blood did he have? A I don't know sir; I could not tell you.
- Q Did he have any? A He claimed he had.
- Q Who claimed he had? A Charley.
- Q Did you ever hear Charley Dean claim that he had any Choctaw blood; Albert Ferrill is this applicant? A Yes, sir.
- Q His father you say was Ed Ferrill? A Yes, sir.
- Q His mother was Susah? A Yes, sir.
- Q Now then he says his mother's father's name was Charley Dean? A Yes, sir.
- Q That is his grandfather? A Yes, sir.
- Q Charley's wife is Lucinda? A Yes, sir.
- Q Now how much Choctaw blood did Charley Dean have? A He claimed full blood.
- Q Who did? A Charley Dean.
- Q How do you know? A That is what he claimed.
- Q Did you ever hear him claim it or did Albert Ferrill tell you that Charley Dean was a full blood? A No, sir.
- Q Which? A He did not tell me his father was a full blood.
- Q Who told you that Charley Dean was a full blood? A I heard them say so.
- Q Heard who say so? A His people his mother.
- Q How much Choctaw blood did Lucinda have? A I don't know; I guess he was a full blood.
- Q Don't know though? A No answer.

Witness excused.....

This applicant has the appearance of being descended from mixed ancestry composed of Negro blood and Indian; his features are not thick like the features of a full blood Negro and the peculiar color of his complexion shows that he has Indian blood which he claims to be Choctaw. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. He shows his Negro lineage and also shows, in the opinion of the Commission, to have some Indian blood.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 11 day of June 1902.


Notary Public.

COPY

C.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Albert Ferrill,
et al., for identification as Mississippi Choctaws, M.C.R. 5789

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Albert Ferrill for himself and his minor child, Pearl Ferrill, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Charlie (or Charley or Charles) Dean and Lucinda Dean, who are alleged to have been full blood Choctaw Indians and to have

resided in Mississippi in eighteen hundred and thirty, and Ed Ferrill, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charlie (or Charley or Charles) Dean, or Lucinda Dean, or Ed Ferrill, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 213).

-3-

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Albert Ferrill and Pearl Ferrill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

SIGNED

Acting Chairman.

SIGNED

Commissioner.

SIGNED

R. F. [Signature]

Commissioner.

Muskogee, Indian Territory,

JAN 20 1903

Muskogee, Indian Territory, August 9, 1902.

Watkins & Ramphendahl,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:-

The Commission is in receipt of your communication of the 8th inst. enclosing interrogatories to be propounded to Sally Henderson to be read in evidence in the application of Albert Ferrill, an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes; also the affidavit of Albert Ferrill wherein he sets forth his reasons for desiring to have said deposition taken.

These documents are returned to you for the reason that no service of a copy thereof has been made upon the attorneys for the Choctaw and Chickasaw Nations as required by rules 12 and 13 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed you.

It is suggested that the best means of securing service upon the attorneys for the Choctaw and Chickasaw Nations is to have the United States Marshal for the Central District, Indian Territory,

serve a copy of said interrogatories upon them, and make his return of service upon the back of the original interrogatories.

Before a commission will be issued for the taking of depositions, the rules and regulations governing the procedure in the taking and submission of same must be strictly complied with.

Yours truly,

Acting Chairman

Enclosure
C.H. 133

M.C.R. 5769

Muskogee, Indian Territory, August 22, 1902.

Watkins & Baumgardner,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

The Commission is in receipt of your communication of the 21st inst., enclosing the affidavit of Albert Ferrill, an applicant for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes; also direct interrogatories to be propounded to Sallie Henderson, to be read in evidence in the above application.

These documents, together with proof of service of a copy of the interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, being in due form, have been filed with and made a part of the record in the application of Albert Ferrill, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued authorizing the taking of these depositions, and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Acting Chairman

M.C.R. 5789

Muskogee, Indian Territory, September 6, 1902.

Watkins & Ramphendahl,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed please find a commission to take the deposition of Sallie Henderson, to be read in evidence in the application of Albert Ferrill, et al., applicants for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Attached to said commission are direct and cross interrogatories and blank caption and certificate.

You will have these documents placed in the hands of an officer authorized by law to take depositions and immediately upon the taking of said deposition have same returned to this Commission in order that the application in which it is to apply may be brought to a final determination at an early date.

Yours truly,

Acting Chairman

Enclosure
G.H. 30

Muskogee, Indian Territory, January 30, 1903.

John Watkins,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 20th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Albert Ferrill, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Albert Ferrill and Pearl Ferrill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time

J. W. #2

the papers in the case together with such arguments will be forwarded
to the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,
(SIGNED)

T. P. Maffee
Commissioner in Charge.

Registered.

COPY.

M.C.R. 5789

Muskogee, Indian Territory, January 20, 1903

Albert Ferrill,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Albert Ferrill, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Albert Ferrill and Pearl Ferrill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

A.P. #2

case together with such arguments will be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

I. B. Macdlee.
Commissioner in Charge.

Registered.

COPY.

N.O.R. 5789

Muskogee, Indian Territory, January 20, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Albert Ferrill, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Albert Ferrill and Pearl Ferrill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Albert Ferrill, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 20, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tanis Luby.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

2 Encls. M.C.R. 5789

Land
9338-1903.

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Albert Ferrill and his minor child, Pearl Ferrill, for identification as Mississippi Choctaws wherein a decision adverse to the applicants was rendered by the Commission on January 20, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Charles Dean, Lucinda Dean and Ed Ferrill, who, it is claimed, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been

enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Charles Dean, Lucinda Dean and Ed Ferrill, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed)

A. C. Tenner,

Acting Commissioner.

(E. F. H.)

P.

D.C.No.10086-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

THE

A. T. D. 3008-1903.
L. R. S.

April 7, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 5, 1903, you transmitted the record in the case involving the application of Albert Ferrill (M.C.R. 5789) for himself and his minor child, Pearl Ferrill, for identification as Mississippi Choctaws, including your decision of January 20, 1903, denying said application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Charlie (or Charley or Charles) Dean and Lucinda Dean, who are alleged to have been full blood Choctaw Indians and to have resided in Mississippi in 1830, and Ed Ferrill, who is alleged to have been a one-half blood Choctaw Indian.

The records fail to show that the applicants were ever enrolled or admitted as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

1 inclosure.

Respectfully,
(signed) THOS. RYAN
Acting Secretary.

M.C.R. 5789.

COPY.

Muskogee, Indian Territory, April 17, 1903.

John Watkins,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Albert Peprill, et al., of which decision you were advised by registered mail on the 20th day of January, 1903.

Respectfully,

Yours,

Jame Bixby.
Chairman.

COPY

Muskogee, Indian Territory, April 17, 1903.

Albert Ferrill,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Albert Ferrill, et al., of which decision you were advised by registered mail on the 20th day of January, 1903.

Respectfully,

SIGNED:

Tams Bixby.
Chairman.

ODP.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Albert Ferrill, et al., of which decision you were advised by mail on the 30th day of January, 1903.

Respectfully,

EDGNEI

Tame Bixby.
Chairman.

Copy
from the
original
copy

Aug 9/04

For Identification as a Mississippi Choctaw.

Date

JUN 1902

Name *Albert Ferrill* -Age *40* - Blood *$\frac{3}{4}$* Post-Office, *Monrogee, S. T.*Father: *Ed Ferrill* - *d*Mother: *Susan* " *d*

Claims through *mother (full b.)*
and father
wife, Mary Ferrill, (Neg. & Indian)

No claim for wife -

Children:

Pearl Ferrill. — *4*

Claim for self &
child -

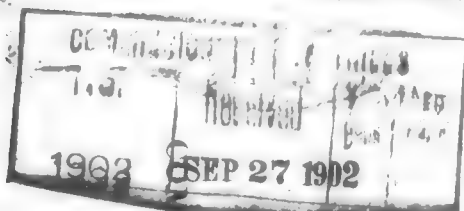
Stenographer & Recorder



MCN 5789

The Deposition of Sallie Henderson
to be read in evidence in the matter of the applica-
tion of Albert Ferrill et al,
for identification as Mississippi Choctaws before
the Commission to the Five Civilized Tribes at
Muskogee, Indian Territory

W. J. Oglesby
Notary Public
(Official Character.)



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.

Choctaw MCR 5790

William P. Mitchell

See MCR 5683.

MCR 5790

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 9, 1902.

\$790

In the matter of the application for identification as a
Mississippi Choctaw of William P. Mitchell.

Gresham & DuBois, attorneys for applicant; appearance by
attorney Gresham.

William P. Mitchell being first duly sworn testifies as follows

--Examination by the Commission:--

- Q What is your name? A William P. Mitchell.
- Q What is your age? A Twenty-three, the 26th of September.
- Q Twenty-two now? A Yes, sir.
- Q What is your post office address? A Wister, Indian Territory.
- Q How long have you lived at Wister? A About thirteen years.
- Q How long have you lived in Indian Territory? A All my life.
- Q Where were you born? A Indian Territory.
- Q What place? A About twelve miles from Wister.
- Q Is your father living? A No, sir.
- Q Is your mother living? A Yes, sir.
- Q Through which parent do you claim Choctaw blood? A Through my father.
- Q How much Choctaw blood do you claim? A About one-quarter.
- Q What was your father's name? A Richard Mitchell.
- Q Is that the full name?

By Mr. Gresham:

Richard H. Mitchell; no wait a minute, it is Richard not
Richard H.

By the Commission:

- Q What was your mother's name? A Her name is Tebitha Mitchell.
- Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Do you know when and where your father and mother were married? A No I don't, they was married---
- Q Do you know whether they were married by a minister and under a license? A I don't think they was married under a license; I don't think they was any licenses then.
- Q Have you proof of their marriage with you? A No, sir.
- Q Are you married? A No, sir.
- Q You claim for yourself alone? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know whether it is or not.
- Q You never knew that you were enrolled as an Indian; did you ever make application for citizenship in the Choctaw Nation to the

- Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Have you ever before this time made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q This is the first application you have ever made? A Yes, sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830 or do you understand anything about that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. This treaty is some times called the treaty of Dancing Rabbit Creek. It was made on the 27th day of September 1830 between the United States government and the Choctaw Indians who then lived in the old Choctaw Nation, East of the Mississippi River. The object of the treaty was to remove those Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory. It is estimated that six or seven thousand would not go to the Choctaw Nation Indian Territory under the treaty. In order to protect the interests of those Indians who wanted to stay back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; with that article inserted the treaty was signed and afterwards became ratified. It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands in tending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you so that you can claim under it or can't you claim under it; don't you understand the meaning of it? A No, sir.
- Q You don't understand it; you know what a treaty is? A No, sir.
- Q You know what a contract in writing is? A Yes, sir.

Well a treaty is a contract in writing only it is made between two or more Nations instead of people. The United States government wanted to have all the Choctaw Indians who lived East of the Mississippi River, go to the Choctaw Nation, Indian territory, in 1830. They could not get them over here without their consent of signing this treaty; they gave their consent to come, you understand that. Most of them did come in 1831, or between that time and 1838, but, a good many Indians stayed back in the old Choctaw Nation; they could stay there, and take land in the old Choctaw Nation and if they lived on it for five years they would get a deed to that land from the government and would become citizens of the United States if they went to the United States Indian Agent within six months from the ratification of the treaty; see, they had to do that within six months from that time and tell him that they wanted to stay in Mississippi; wanted to take land there and wanted to become citizens of the States. A good many did this. Those who did do so, had the right afterwards to leave that old Choctaw Nation and go to the Choctaw Nation, Indian territory, and become citizens of the Choctaw Nation, Indian territory except that they could not have any money called annuities; they could have land but they had to do these things and go before the Agent.

- Q You understand that? A Yes, sir.
 Q Now my question is; do you understand that? A Yes, sir.
 Q Do you know if any of your Choctaw ancestors did any of these things that are stated which were necessary to be done under article fourteen of that treaty? A No, sir; I do not.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; this grandfather or grandmother or great grandfather or great grandmother whoever you claim through? A Alzira Folsom.
 Q A-1 or B-1? A

By Mr. Gresham:

A-L.

By the Commission:

- Q What relation was she to you? A Great grandmother (prompted)
 Q How much Choctaw blood did she have if you know? A No, sir.
 Q You don't know? A No, sir.
 Q Did she live in Mississippi or Alabama? A Mississippi I think.
 Q Did she live in the old Choctaw Nation in Mississippi in 1830?
 A I think so.
 Q Did she have a family of children or in other words was she the head of a family in Mississippi in, 1830; did you ever hear of?
 A No, sir.
 Q Never heard? A No, sir.
 Q Can you give me the name of any Choctaw ancestor living in the old Choctaw Nation in Mississippi in 1830 and was the head of a family there then? A No, sir.
 Q You claim through your father Richard Mitchell? A Yes, sir.
 Q How old would he be if living now? A I don't know.
 Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know whether they did or not.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830; do you know? A No, sir.

#3

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States?

A I don't know whether they did or not.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1836? A I don't know whether they did or not.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, under that treaty with the other Indians, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward neglected to place upon his list known as Ward's register. His neglect to make a proper registration of these applicants who attempted to register under article fourteen caused a good many Indians who held land in the old Choctaw Nation, to lose both their land and their improvements. Both were taken from them by the government and sold at its public land sales. This caused so many complaints along the Choctaw Indians that in 1837 by act approved March 3rd of that year a Commission was appointed by Congress which went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose under an act approved August 23rd of that year and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians? A I don't know whether any of them went there.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it also further appeared that he had had land in Mississippi or in Alabama, in the old Choctaw Nation, which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians under that provision of Congress? A Not that I know of.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes; I have a brother and some uncles.

Q Give me the names of two of your relatives who have been here before the Commission, to be identified as Mississippi Choctaws?

Q The first William C. Mitchell; what relation to you? A My cousin.

Q Who is Sarah C. Harris? A She is an aunt of mine.

By Mr. Gresham:

W. C. Mitchell, Senior, who is enrolled as a Court-citizen, is this man's uncle; then William C. Mitchell who has made application to be identified as a Mississippi Choctaw, is a nephew of the William C. Mitchell before named, court-citizen and cousin to this applicant.

By the Commission:

Reference is here made to Sarah C. Harris, et al., M.C.R. 5581 and W. C. Mitchell, et al., M.C.R. 5588.

Q Do you want to have your case consolidated with the cases of Sarah C. Harris and William C. Mitchell? A Yes, sir.

Q Have you any other evidence that you want to introduce now in support of this claim?

By Mr. Gresham:

No, sir.

By the Commission:

Q Do you care for any time in which to submit other testimony in this case or depositions?

By Mr. Gresham:

Yes, thirty days.

By the Commission:

Q You think you will take depositions?

By Mr. Gresham:

Yes, I think we will take depositions.

By the Commission:

Thirty days time is allowed this applicant in which to submit further evidence.

Q Do you speak the Choctaw language or understand it? A No, sir.

Q Is there anything further you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes; dark brown hair; medium fair complexion; now somewhat tanned. He does not understand or speak the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q. Reexamined being duly sworn on his oath states that as

#5

stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 9, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21 day of June 1902.

E. Rosenwinkel
Committee Wood

Notary Public.

Muskogee, Indian Territory, July 14, 1904.

William P. Mitchell,

Wister, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Registered.

M.C.R.-5790.

COPY.

Muskogee, Indian Territory, May 2, 1906.

William P. Mitchell,

Wister, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

No.

5780

For Identification as a Mississippi Choctaw.

Date

JUN 9 • 1902

Name *William P. Mitchell.*

Age *22* — Blood *1/4*

Post-Office, *Wister, S. T.* —

Father: *Richard E. Mitchell* d

Mother: *Leobitha* " l

Claims through *father.*

Children:

*claims for self
alone*

Choctaw MCR 5791

Cora A. Mitchell

See MCR 5683

MCR 5791

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 9, 1902.

5791

In the matter of the application for identification as a
Mississippi Choctaw of Cora A. Mitchell.

Gresham & DuBois; attorneys for applicant; appearance by
attorney Gresham.

Cora A. Mitchell being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Cora A. Mitchell.
Q What is your age? A I will be twenty-one the 10th day of
October.
Q You are twenty now, are you? A Yes, sir.
Q What is your post office address? A Wister
Indian Territory? A Yes, sir.
Q How long have you lived in Wister? A I don't know.
Q About how long; you can give me an idea? A About—
Q From twelve to fifteen years do you think? A About thirteen I
guess.
Q Have you always lived in Indian Territory? A Yes, sir.
Q Where were you born near Wister? A Close to Kully Chaha, Choctaw
Nation.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Richard Mitchell.
Q What is your mother's name? A Tobitha Mitchell
Q You spell that T-o-b-i-t-h-a? A Yes, sir.
Q Her name is Mitchell now is it? A Yes, sir.
Q You claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in Indian Territory? A I don't know.
Q Do you know when and where your father and mother were married?
A In the Choctaw Nation.
Q You remember the day of the month and year? A No, sir; I do not
Q Have you that proof of their marriage with you? A No, sir.
Q Are you married? A No, sir.
Q You claim for yourself alone do you? A Yes, sir.
Q Is your name on any of the tribal rolls on the Choctaw Nation
in Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the
act of Congress of June 10, 1898? A No, sir.

#2

- Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir; not that I know of.
- Q Is this the first application for enrollment as a citizen that you have ever made either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
- Q Do you now come before this Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A Yes; I think I do.
- Q Do you care to have it explained further to you or from the explanation you have heard do you understand it?

By Mr. Gresham:

I think she understands it.

By the Commission:

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty; what I mean by that is, did any of your ancestors through whom you claim Choctaw blood do any of these things that are stated as necessary to be done by claimants under article fourteen? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; I mean now going back as far as you can giving me the ancestor or ancestors who lived in the old Choctaw Nation as far back as 1830 if you can A Alzira Folsom.
- Q Was that her maiden name or her married name? A That was her maiden name.
- Q When did she marry? A Married Mitchell.
- Q What was Mitchell's full name? A Samuel Mitchell.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did Alzira Folsom have? A I don't know.
- Q What relation was she to you? A My great grandmother.
- Q Do you know whether your father ever lived in the old Choctaw Nation in Mississippi or Alabama? A No, sir; I do not.

#3

- Q Do you know where he was born? A No, sir.
- Q You know when and where he died? A In the Choctaw Nation.
- Q How old would he be if living now? A About sixty-one.
- Q But you don't know in what state he was born? A No, sir.
- Q Did he claim through his father or mother? A His mother.
- Q What was her name? A I don't know.
- Q Did she claim through her father or mother? A Through her mother.
- Q That would be Alzira Mitchell whose maiden name was Alzira Folsom? A Yes, sir.
- Q Did Alzira Folsom live in Mississippi in the old Choctaw Nation in 1830? A Well I don't know.
- Q Did you ever hear in the family or is it a matter of family history and tradition that she lived there then? A I don't think she did.
- Q Did she or any Choctaw ancestor of yours live in that old Choctaw Nation in 1830 and have a family there then; in other words were any of them heads of families then, living in Mississippi? A I don't know.
- Q You never heard? A No answer.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama, in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River, to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.

In 1837 under an act of Congress approved March 3rd of that year and also in 1842 under an act of Congress approved August 23rd of that year Commissions were appointed which went to Mississippi under the fourteenth article of the treaty of Dancing Rabbit Creek of the treaty of 1830. The reason why these Commissions were appointed, one in 1837 and the other in 1842 was, because of the complaints of a great many Choctaw Indians who lived in the old Choctaw Nation and who claimed that they had gone to Colonel Ward the United States Indian Agent at his agency in Mississippi within six months from the ratification of the treaty of 1830 and attempted to register with him under article fourteen of the treaty of 1830 but that he had refused to put their names upon his list known as Ward's register. His refusal resulted in their having lost their land; the government having taken both their land and improvements and sold it at its public land sales.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of that treaty? A No, sir not that I know of.
- Q Did any of your ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly owned or held in the old Choctaw Nation and which the government had taken from them and sold? A I don't know.

This scrip was issued under the act of Congress of August 23, 1842, and was issued only to those Indians who proved their rights under article fourteen and also proved that they had formerly held land in the old Choctaw Nation in Mississippi or in Alabama, which the government had taken from them and sold.

Q What relation is William C. Mitchell to you; I mean the William C. Mitchell who has been before the Commission to be identified as a Mississippi Choctaw? A My own cousin.

Q What relation is Sarah C. Harris to you? A My aunt.

Q She has also been before the Commission to be identified as a Mississippi Choctaw and other relatives whose names you do not now recall? A Yes, sir.

Q Would you like to have your case consolidated with the cases of William C. Mitchell, M.C.R. 5598 and Sarah C. Harris 5691? A Yes, sir.

These cases are here referred to for the purpose of consolidation.

Q Have you any evidence you want to introduce further, now at this time? A No, sir.

Q You care for any time in which to introduce other testimony in this case? A

By Mr. Gresham:

Yes; the usual time.

By the Commission:

Q How much time would you like?

By Mr. Gresham:

Thirty days I expect.

By the Commission:

Q For the purpose of taking depositions:

By Mr. Gresham:

Yes, sir.

By the Commission:

Thirty days time is allowed this applicant for the purpose of taking depositions or for the introduction of any other proper testimony appertaining to this application.

Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes; brown hair; light complexion; she has no knowledge of the Choctaw language; and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830

G. Remondet being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he

#5

reported in full all the proceedings had in the above entitled cause on June 9, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 30 day of June 1902.

L. Rosemunkel

Wm. H. Wood

Notary Public.

COPY. M.C.R. 5791

Muskogee, Indian Territory, July 14, 1904.

Cora A. Mitchell,
Wister, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm E. Egan
Chairman.

Registered.

M.C.R.-5791.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Cora A. Mitchell,

Wister, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

No. 5791

For Identification as a Mississippi Choctaw.

Date

JUN 9, 1902

Name *Bora A. Mitchell,*

Age *20*

Blood *Dark brown.*

Post-Office, *Wister, S. T.*

Father: *Richard Mitchell, d.*

Mother: *Tobitha " b.*

Claims through *father*

Children:

*Claims for self
alone -*

Choctaw MCR 5792

Arkie Mitchell

See MCR 5683

MCR 5792

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 9, 1902.

8792

In the matter of the application for identification as a
Mississippi Choctaw of Arkie Mitchell.

Gresham & DuBois; attorneys for applicant; appearance by Mr.
Gresham.

Arkie Mitchell being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Arkie Mitchell.
Q How do you spell that? A A-r-k-i-e.
Q What is your age? A Twenty-one.
Q Are you married? A No, sir.
Q What is your post office address? A Hartshorn, I.T.
Q How long have you lived there? A Eleven years.
Q How long have you lived in the Indian Territory altogether? A
All my life.
Q Where were you born? A Kully Cha-ha.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Jesse Mitchell.
Q Has he been before the Commission to be identified as a Missis-
sippi Choctaw? A No, sir; I don't think so;--Yes; he has been
here.
Q What is your mother's name? A Rebecca.
Q Through which parent do you claim Choctaw blood? A Through
my father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been admitted or enrolled as a Choctaw
Indian or recognized in any way as one by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No, sir.
Q When and where were your father and mother married? A I don't
know.
Q Have you proof of their marriage with you now? A No, sir.
Q You think you could introduce it within a reasonable time? A

By Mr. Gresham:

Yes; we will furnish that.

By the Commission:

- Q You are not married yourself? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1867? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q This is the first application of any kind you have ever made to any authority whatever for citizenship in the Choctaw Nation? A Yes, sir.
- Q You now come before the Commission to be identified as a Mississippi Choctaw Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article of that treaty? A Yes, sir.
- Q You care to have it explained any further? A I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. It was made for the purpose of removing the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory so article fourteen was put into the treaty for their benefit. It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alzira Folsom. (prompted)
- Q What relation was she to you? A Great grandmother.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did she speak or understand the Choctaw language? A I don't know.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q Whom did she marry? A Sam Mitchell.
- Q White man? A I don't know; I suppose so.
- Q You don't claim any Choctaw blood through Samuel Mitchell do you? A No, sir.
- Q How old would Alzira Folsom be if living now? A I don't know.
- Q Where did she die? A I don't know that.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

- Q Do you know whether Alzira Folsom who married Samuel Mitchell lived in the old Choctaw Nation in Mississippi, in 1830, and was the head of a family there then? A No, sir; I don't know.
- Q She lived in Mississippi at one time did she not? A I don't know.
- Q Have you heard that some ancestors of yours having Choctaw blood lived in Mississippi; whatever you heard in the family? A I don't remember.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; did you ever hear that? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in the Old Choctaw Nation upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it was further shown that he had had land in the old Choctaw Nation which the government had taken from him and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q What relation is William C. Mitchell to you, the William C. Mitchell who has made application here to be identified as a Mississippi Choctaw? A My Cousin.
- Q What relation is Sarah C. Harris to you? A Aunt.
- Q Is she your father's sister or your mother's sister? A My father.

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- Q She has also been before the Commission to be identified as a Mississippi Choctaw? A I think so.
- Q Would you like to have your case consolidated with that of William C. Mitchell, 5588 and Sarah C. Harris, 5681? A Yes, sir.
- Q Would you like to have the cases of all other relatives of yours consolidated with your case under one head? A

Mr Gresham:

Yes, sir.

By the Commission:

The case of William C. Mitchell, 5588 and also that of Sarah C. Harris, 5681, are here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any other evidence you want to present now in support of this application? A No, sir.
- Q Have you any witnesses you want to call? A No, sir.
- Q Do you want any time in which to introduce other testimony? A

By Mr. Gresham:

We will ask for thirty days in which to file depositions and proof of the marriage of the applicants father and mother according to law.

By the Commission:

This motion is granted.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown eyes; light brown hair; light complexion; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 9, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 30 day of June 1902.

G. Rosenwinkel
Chas. H. Wood
Notary Public.

COPY. M.C.R. 5792

Muskogee, Indian Territory, July 14, 1904.

Arkie Mitchell,

Hartshorne, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered,

M.C.R.-5792.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Arkie Mitchell,

Hartshorne, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al, of which the application for your identification is a part.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

JUN 9 1902

Name *Archie Mitchell,* FAge *21* , Blood *Dark / known*Post-Office, *Wartshorne, I. T.*Father: *Jose Mitchell - l #*Mother: *Rebecca .. l*Claims through *father*

Children:

*Claims for self
alone*Stenographer *G. R. Cunningham*

Choctaw MCR 5793

George Peden.

See MCR 5795, 5794

MCR 5793

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Peden, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

George Peden, et al.,	M.C.R. 5793
Mahala Bradshaw, et al.,	M.C.R. 5795
Mellie Updegraff, et al.,	M.C.R. 5794

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together with the page occupied
by each in said record.

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Affidavit of George Peden as to necessity of taking the deposition of Jeff Peden and Elvira Peden.....	17
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Final decision of the Commission to the Five
Civilized Tribes, refusing the applications for identi-
fication as Mississippi Choctaws in the consolidated
case of George Peden, et al..... 43

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 9, 1902.

5793

In the matter of the application for identification as Mississippi Choctaws of George Peden, for himself and his two minor children, Jesse and Esther Peden.

Applicants not represented by attorney:

George Peden being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A George Peden.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Ravia, Indian Territory.
Q How long have you lived in Indian Territory? A About six years.
Q Where did you live before you lived there? A In Texas.
Q Where were you born? A In Texas.
Q Where in Texas? A Cook County.
Q How long did you live in Cook County? A I lived there about twenty-seven; I was raised there, I have been here about six years, that would be twenty-one years.
Q You lived there until you came to the Territory? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Tom Peden.
Q What is your mother's name? A Virginia Peden.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim one-sixteenth.
Q Has your father ever been recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know whether or not.
Q Never heard that he had been? A No, sir.
Q Did you ever hear that he made application to be enrolled by the Choctaw tribal authorities? A No, sir.
Q When and where were your father and mother married? A In Texas.
Q When and where? A Cook County.
Q Day of the month and year? A I don't know that.
Q Were they married by a minister and under a license? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Pearl Burns.
Q That is her maiden name? A Yes, sir.
Q Is she living? A Yes, sir.
Q White woman? A Yes, sir.
Q You don't make any claim for her as a Choctaw Indian? A Well if it can be done.
Q How can it be done if she is a white woman? A I don't make any for her then.
Q If you are claiming under article fourteen of the treaty of 1830 that article says "Each Choctaw head of a family" and so on; the fourteenth article pertains only to Choctaw citizens having Choctaw blood. The twenty-first section of the Curtis Bill authorizes the Commission to hear the applications of those claiming

Choctaw blood who descended from Choctaw ancestors who did comply with the provisions of article fourteen and does not make any provision for the identification of white persons who have been intermarried with Choctaw citizens. Do you want to make application for your wife now? A No, sir.

Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes, I have two.

Q What is the name of the eldest? A Jesse.

Q Jesse Peden? A Yes, sir.

Q How old is Jesse? A Two years old.

Q What is the name of the next child? A Esther.

Q E-s-t-h-e-r or E-s-t-h-e-r? A I don't know.

Q How old is she? A One month old.

Q Is Pearl Peden the mother of these children? A Yes, sir.

Q Are you the father? A Yes, sir.

Q Are they living with you at your home? A Yes, sir.

Q When and where were you married to your wife? A In the Choctaw Nation.

Q At what place? A Lehigh, not exactly Lehigh; I got my license at Atoka.

Q Were you married by a minister and under a license? A Yes, sir.

Q Can you give the day of the month and year? A Yes, sir.

Q Have you proof of that marriage with you? A Yes, sir.

Q You want to introduce this in evidence? A Yes, sir.

Q And make it a part of the record in your case; is this the original marriage license and certificate, is it? A No answer.

Marriage license and certificate of the marriage between George Peden and Pearl Burns presented by this applicant; received filed, marked exhibit "A" and made a part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir whether it is or not.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation or has any one for you to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.

Q Have you ever made application or has any one ever made application for you to any authority whatever? A No, sir.

Q How have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

Q Is this the first application you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.

Q Do you now come before the Commission to identify yourself and these two minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article of that treaty? A I don't know.

Q You don't understand article fourteen of the treaty of 1830 then? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. The object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians who stayed back there article fourteen was put into the treaty. It was then signed and later on the 24th day of February 1831 it was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now so that you can claim under it? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A No, sir; I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mahala Pierce.
- Q M-a-h-a-l-a? A Yes, sir.
- Q P-i-e-r-c-e? A I don't know how that name is spelled.
- Q What relation was she to you? A She was my grandmother.
- Q How much Choctaw blood did she have? A She claimed one-quarter; let me see,--my father claimed one-eighth; it was his mother.
- Q Is the name Mahala Pierce, the maiden name of your grandmother? A Yes, sir.
- Q When did she marry? A A Peden.
- Q What was his name? A Thomas White Peden I believe.
- Q Was he a white man? A I don't know.
- Q Did Mahala Peden whose maiden name was Pierce live in the old Choctaw Nation in 1830? A Well now I would not know anything about that only hearsay.
- Q What you heard by hearsay you heard in the family? A Yes, sir.
- Q What have you heard in the family about her living in Mississippi in 1830? A I heard she lived there then.
- Q Did you hear that she was living in Mississippi at that time and had a family of children living there with her then? A Yes, sir.
- Q Well if she lived in Mississippi in 1830 and was the head of a family there then; do you know whether she complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir I do not.

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- Q How old would Mahala Pierce be if she were living now? A I could not tell you.
- Q Where did she die; when did she die and where? A I could not tell you.
- Q Did she live in Mississippi most of her life? A Yes, sir.
- Q Do you know whether she ever removed from that state? A Yes; she came from there to Texas.
- Q Did she die in Texas? A I don't know whether she did or not.
- Q You claim through your father Thomas Peden don't you? A Yes, sir.
- Q He is now dead? A Yes, sir.
- Q When and where did he die? A In Texas; in Cook County.
- Q How long ago? A Nineteen years.
- Q How old was he when he died? A About thirty years old.
- Q Was he born in Mississippi? A Yes, sir.
- Q Thirty years old when he died and died when? A He died it has been nineteen years.
- Q He was born then forty-nine years ago in Mississippi? A Yes, sir.
- Q Did he have any older brothers or sisters than himself? A Yes, sir.
- Q You know who they were; how much older any of them were? A He has a brother living now seventy-three years old.
- Q That brother then was born in Mississippi seventy-three years ago? A I would not say he was born there.
- Q What do you know about whether he was born there or not; have you any idea that he was born anywhere else? A My father was born there but I don't know about his brother.
- Q Well is it a matter of family knowledge in your family and tradition and history that Mahala Peden and her husband were living in Mississippi in 1830 and had a family there then in Mississippi? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land in the old Choctaw Nation in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir; not that I know of.

In 1837, by act of Congress approved March 3rd of that year and also in 1842 by act of Congress approved August 23rd of that year Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed in these different years because of the complaints of Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama who claimed that within six months from the ratification of the treaty of 1830 they had gone to the United States Indian Agent Colonel Ward and attempted to register their rights under article fourteen of the treaty of 1830 but that Colonel Ward the United States Indian Agent had neglected to place their names upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at

its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 this Commission was appointed and also the Commission in 1842.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir; not that I know of.

This scrip was issued under the act of Congress of August 23, 1842, and was issued to those Indians who proved first; their claim under article fourteen and also proved in addition that they had held land in Mississippi or Alabama in the old Choctaw Nation which had been taken from them by the government and sold at its public land sales. Have you had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No, sir.

- Q Have you relatives at all been before the Commission claiming through Mahala Pierce? A No, sir.
- Q You don't know of any? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you anything further that you want to state now in support of this claim or any testimony you want to introduce? A Yes; my witness is old and not able to come here and if there is any way it can be fixed without bringing him I will do so but if I have to bring him I can't do it. He says he is not able to come.
- Q Where does this witness live? A In Texas.
- Q How old is he? A He is seventy-three he is annuncle of mine and the other man I don't know how old he is.
- Q You think you would like to take their depositions? A Yes, sir.

Thirty days time will be allowed this applicant in which to take the depositions of witnesses in support of this application which he makes for himself and children.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; brown eyes; dark complexion; a good deal tanned by the sun. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Resenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 9, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 9, 1902.

Subscribed and sworn to before me this 21 day of June 1902.

G. Resenwinkel
[Signature]
 Notary Public.

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C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Peden, et al.,
for identification as Mississippi Choctaws, consolidating the applica-
tions of:

George Peden, et al.,	M.C.R. 5793
Mahala Bradshaw, et al.,	M.C.R. 5795
Mollie Updegraff, et al.,	M.C.R. 5796

- - - D E C I S I O N - - -

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by George Peden for himself and his two minor children, Jesse and
Ester (or Esther) Peden; by Mahala Bradshaw for herself and her two
minor children, Ella and Essie Bradshaw and by Mollie Updegraff for
herself and her minor child, Effie Updegraff, under the following
provision of the act of Congress approved June 25, 1898 (30 Stat.,
496):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of George Pierce, who is alleged to have been an one-fourth blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George Pierce, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 190), and August 23, 1842 (5 Stats., 212).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Peden, Jesse Peden, Mator (or Mather) Peden, Mahala Bradshaw, Ella Bradshaw, Essie Bradshaw, Nellie Updegraff and Effie Updegraff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Dixby.
Acting Chairman.

W. D. J. Jones.
Commissioner.

C. R. Brookhridge.
Commissioner.

Muskogee, Indian Territory,

OCT 14 1902

Muskogee, Indian Territory, July 1, 1902.

George T. Peden,

Nowa, Indian Territory.

Dear Sir:-

The Commission is in receipt of your affidavit setting forth your reasons for desiring to have the deposition of Jeff Peden and of Elvyra Peden taken in your application for identification as a Mississippi Choctaw, also the direct interrogatories to be propounded to them, whereat is attached the proof of service of a copy thereof on Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in your case and when the required time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw Nations, a commission will be issued authorizing the taking of these depositions and same will be sent to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Commissioner in Charge

M.C.R. 8793

Muskogee, Indian Territory, July 17, 1902.

George T. Peden,

Ravia, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of Elvira Paden upon direct and cross interrogatories thereto attached, to be read in evidence in your application for identification as a Mississippi Choctaw. You will also find attached to said commission a caption and certificate which are to be filled out by the officer before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions, and immediately upon the completion of the taking thereof, return same to this Commission.

Yours truly,

Acting Chairman

Enclosure
G.H. 49

M.O.R. 5793

Muskogee, Indian Territory, July 17, 1902.

George T. Peden,

Avia, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of Jeff Peden upon direct and cross interrogatories thereto attached, to be read in evidence in your application for identification as a Mississippi Choctaw. You will also find attached to said commission a caption and certificate which are to be filled out by the officer before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions, and immediately upon the completion of the taking thereof, return same to this Commission.

Yours truly,

Acting Chairman

Enclosure
G.H. 48

Muskogee, Indian Territory, July 19, 1902.

George Peden,

Lawia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., wherein you ask regarding "interrogatories sent to the Commission about June 24th". You state that it is possible and probable that they were misplaced in the mail.

In reply you are informed that the Commission, under date of July 1, 1902, wrote you acknowledging receipt of your affidavit setting forth your reasons for desiring to have the depositions of Jeff Peden and Elvira Peden taken in your application for identification as Mississippi Choctaws of yourself and your two minor children and the direct-interrogatories to be propounded to them with proof of service of a copy thereof on Messrs. Mansfield, Mc Murray & Cornish, attorneys for the Choctaw and Chickasaw Nations. You were advised that when the required time had elapsed for the filing of cross-interrogatories by the Choctaw and Chickasaw Nations a commission would be issued authorizing the taking of these depositions. You are now informed that on the 18th inst., a commission authorizing the taking of these depositions was mailed you.

Yours truly,

Commissioner in Charge

M C R 5793

Muskogee, Indian Territory, September 6, 1902.

George Peden,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask to be informed if the Commission has received the depositions of George Peden and sister.

In reply you are informed that the deposition of George Peden is not on file with the record in your case, but there is filed the depositions of Jeff Peden and Elvira Peden which will receive the consideration of the Commission when your case is taken up for final decision.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 14, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Peden, et al., embracing the following applications for identification as Mississippi Choctaws:

George Peden, et al.,	M.C.R. 5793
Mahala Bradshaw, et al.,	M.C.R. 5795
Mollie Updegraff, et al.,	M.C.R. 5794

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stat. 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

M.C.M. & C.--2

of George Peden, Jesse Peden, Ester (or Esther) Peden, Mahala Bradshaw, Ella Bradshaw, Essie Bradshaw, Mollie Updegraff and Effie Updegraff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Secretary of the Interior.

Respectfully,

Yours truly,

J. M. Smith

Commissioner in Charge.

Muskogee, Indian Territory, October 14, 1902.

George Peden,

Ravia, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Peden, et al., embracing the following applications for identification as Mississippi Choctaws:

George Peden, et al.,	M.C.R. 5793
Mahala Bradshaw, et al.,	M.C.R. 5795
Mollie Updegraff, et al.,	M.C.R. 5794

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Peden, Jesse Peden, Ester (or Hether) Peden, Mahala Bradshaw, Ella Bradshaw, Essie Bradshaw, Mollie Updegraff and Effie Updegraff as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Woodlee.

Commissioner in Charge.

Registered,

Muskegee, Indian Territory, October 27, 1902.

George Peden,

Havia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, acknowledging receipt of a letter from the Commission notifying you of the refusal of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask to be advised wherein your evidence was insufficient.

In reply you are informed that at the time you made your application you stated that you presented the same under the provisions of the fourteenth article of the Choctaw treaty of 1830, which article was read and explained to you. You further stated that you understood the provisions of said article sufficiently well enough to base your claim thereunder.

The Commission in determining the rights of applicants to be identified as Mississippi Choctaws requires that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and complied or attempted to comply with the provisions of the fourteenth article of said treaty, or who were

G P 2

subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for that purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

No proof has been offered in your case tending to show any such compliance on the part of the ancestor through whom you claim your right to identification as a Mississippi Choctaw.

On October 14, 1902, the Commission rendered its decision refusing the application made by you, and on the same date you were notified by registered mail of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, would be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, October 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of George Peden, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

George Peden, et al.,	M C R 5793
Mahala Bradshaw, et al.,	M C R 5795
Mollie Updegraff, et al.,	M C R 5794

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGN)

Tame Dixey.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 5793.

COPY.

DEPARTMENT OF THE INTERIOR.

Land
65,295-1902.

Office of Indian Affairs.

Washington, Nov. 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of George Peden, et al., for identification as Mississippi Choctaws, consolidating the applications of George Peden, Mahala Bradshaw, et al., and Moklie Updegraff, et al.

The proof in this case shows that the applicants base their claim to identification as Mississippi Choctaws on their descent from Mahala Pierce who married Peden, and Tom Peden, her son.

The testimony is conflicting as to the time of Mahala Pierce's marriage, as to whether it was before 1830 or after 1830. The applicants claim that she was a member of the Choctaw tribe of Indians in Mississippi in 1830. An examination has been made of the records of this office and it is ascertained that the name of Mahala Pierce or Mahala Peden or Tom Peden, do not appear among the names of those Choctaw Indians residing in Mississippi who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. This being the case it is evident that the decision of the commission rejecting the parties was proper.

I concur in that finding and therefore recommend that the following persons be rejected for identification as Mississippi Choctaws

George Peden and his two minor children, Jesse and Ester or Esther Peden; Mahala Bradshaw and her two minor children, Ella and Essie Bradshaw and Mollie Updegraff and her minor child, Effie Updegraff.

Very respectfully,

Your obedient servant,

W.A. Jones,
Commissioner.

(E.B.H.)
P.

J.V.H.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

D.C.22726-1902.
I.T.D.7104-1902.
LRS.

WHR.

November 22, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen.

October 30, 1902, you transmitted the record in the consolidated case embracing the applications of George Peden, Jesse Peden, Ester (or Esther) Peden, Mahala Bradshaw, Ella Bradshaw, Essie Bradshaw, Nellie Updegraff and Effie Updegraff, (M C R 5793, 5794, 5795), for identification as Mississippi Choctaws, including your decision of October 14, 1902, which was adverse to the applicants.

These claimants seek identification as Mississippi Choctaws by reason of their descent from one Tam Peden. It seems that his mother was a quarter blood Choctaw woman named Mahala Pierce, who lived in Mississippi in 1830, and was a daughter of one George Pierce.

The record contains no testimony whatever showing that any of the alleged ancestors complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty

of 1830, or took advantage of the acts of March 3, 1837 (5Stat., 180) and August 23, 1842(5 Stat., 513), relating thereto.

The report of the Commissioner of Indian Affairs under date of November 14, 1902, fails to show that the records in his possession contain anything of value to these applicants.

It must therefore be held that the complete record does not warrant their identification as Mississippi Choctaws.

In said report the Commissioner recommended that your action be approved. The Department concurs therein and your decision is accordingly affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 Inclosure.

M.C.R. 5783.

Muskogee, Indian Territory, December 5, 1902.

George Peden,

Ravia, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Peden, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED,

Acting Chairman.

M.C.R. 5793.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Peden, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

RESPECTFULLY,

Acting Chairman.

George Pierce:

Mahala Pierce, 1/4 d.
married
Thomas White Peden, w.

Tom Peden, 1/8 dead
wife
Virginia Peden, L.

met
5793

George Peden, 27 1/16

married

Pearce Burns, w.

met
5793

George Peden, 2

Esther Peden, 1 mo.

met
5795

* Mahala Peden, 24 1/16

married

* Sam Bradshaw

* Husband & much children
included in consolidated census of
John W. Bradshaw at 1862

met
5795

* Ella Bradshaw, 4

* Essie Bradshaw, 14 mos.

met
5794

Mollie Peden, 22 1/16

married

Charlie Updegraff, w.

met
5794

Effie Updegraff, 7 mos.

For Identification as a Mississippi Choctaw.

Date

JUN 9 1907

Name George Peden.

Age 27

Blood 1/16

Post-Office,

Ravia. S. T. -

Father:

Tom Peden d

Mother:

Virginia " l

Claims through
wife. father.

Pearl Peden, l. w.

No claim for wife -

Children:

Jesse Peden, M 2

Ester

" F 1 m

Claims for self
& children

Stenographer G. R. R. R. R.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 29 1902

A handwritten signature in dark ink, appearing to be "W. R. R.", written over the printed name of the Acting Chairman.

ACTING CHAIRMAN.

The Deposition of Elvira Peden

to be read in evidence in the matter of the application of George T. Peden et al, for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

J. A. Gurnea

Notary Public.

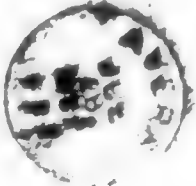
(Official Character)

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COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



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5773

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 29 1902


ACTING CHAIRMAN

The Deposition of *Jeff Pedem*
 to be read in evidence in the matter of the applica-
 tion of *George D. Pedem* et al,
 for identification as Mississippi Choctaws before
 the Commission to the Five Civilized Tribes at
 Muskogee, Indian Territory

L. A. Garrison

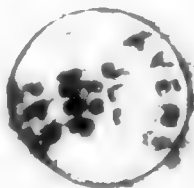
Notary Public
 (Official Character.)

COMMISSION TO THE FIVE CIVILIZED TRIBES		
No.	Received	Ex. No.
1202		

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.



Department of the Interior.
 Commission to the Five Civilized Tribes
 MUSKOGEE, IND. TER.
 OFFICIAL BUSINESS.
 Penalty for private use, \$300.

Choctaw MCR 5794

Mollie Updegraff

See MCR 5793

MCR 5794

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 9, 1902.

8794

In the matter of the application for identification as Mississippi Choctaws of Mollie Updegraff for herself and her minor child Effie Updegraff.

Applicants not represented by attorney.

Mollie Updegraff being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Mollie Updegraff, U-p-d-e-g-r-a-f-f.
Q What is your age? A Twenty-two.
Q What is your post office address? A Ravia, Indian Territory.
Q How long have you lived at Ravia? A Six years.
Q Where did you live before that? A Texas.
Q Were you born in Texas? A Yes, sir.
Q Where did you live in Texas most of the time? A Cook County, Texas.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Tom Peden.
Q What was your mother's name? A Before she was married?
Q What is her name? A Jennie.
Q Is George Peden your brother? A Yes, sir.
Q He gave her name as Virginia? A It is Virginia but everybody calls her Jennie.
Q But her name is Virginia? A Yes, sir.
Q You claim through your father and mother? A Father.
Q How much Choctaw blood do you claim? A One-sixteenth part.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Do you know when and where your father and mother were married? A In Texas.
Q What place in Texas? A Cook County near Gainesville.
Q What day of the month and year? A I don't know.
Q Have you proof of their marriage with you now? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charlie Updegraff.
Q Is he living? A Yes, sir.
Q Is he a white man or Indian? A White man.
Q Do you make any claim for him as Indian? A Yes, sir.
Q As a Choctaw Indian; what kind of a claim do you make for him? A I don't understand that.
Q You claim the right to be identified as a Mississippi Choctaw; as one having Choctaw blood? A Yes, sir.
Q You want to claim that he has Indian blood so that he can be identified? A No, sir.

#2

- Q You don't claim that he has any right by intermarriage? A I don't know.
- Q I will explain the law and you can decide whether you want to put in his application? A He has no Choctaw blood.

The Commission knows of no law or authority by which it can identify or receive the application for identification of one who has no Choctaw blood; there is no law that authorizes the Commission to identify one by intermarriage.

- Q Now is that is a fact do you care to make application for your husband? A If that is a fact I don't want to put him in.
- Q That is the law and it is so generally understood that no applicants who come before the Commission make application, by intermarriage, for identification as Mississippi Choctaws? A I did not know that.
- Q You make no claim for your husband then? A No, sir.
- Q You understand that the Commission would take this application for this white husband of yours if you want to make it, at the same time there is no authority known to the Commission whereby such an application would be valid? A Yes, sir.
- Q What is the name of your child or how many have you rather? A I have one.
- Q What is the name of that child? A Effie.
- Q How old is she? A Seven months old.
- Q You claim for yourself and this child do you? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever before this time been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q This is the first application you have ever made for citizenship in the Choctaw Nation to any authority? A Yes, sir.
- Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article of that treaty? A No, sir.
- Q You don't understand that article? A No, sir.

The treaty of 1830 was a treaty that was made between the United States government and the Choctaw Indians at a place in Mississippi called "Dancing Rabbit Creek" on the 27th day of September 1830. The object of the treaty was to remove, as far as practicable, all the Choctaw Indians who lived in the old Choctaw Nation, East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. The treaty was then signed and afterward on the twenty-fourth day of February, 1831, it was ratified. That article, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now so that you can claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The one I claim it under? A
- Q Yes? A Mahala Pierce.
- Q P-i-e-r-c-e is it? A Yes; I think so.
- Q Do you know whether any of your Choctaw ancestors complied or tried in any way to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What relation was Mahala Pierce to you? A Grandmother.
- Q How much Choctaw blood did she have? A One-quarter.
- Q When did she marry? A Tom Peden.
- Q Thomas Peden? A Thomas White Peden.
- Q Was he a white man? A Yes, sir.
- Q Did Mahala Peden whose maiden name was Pierce live in the old Choctaw Nation in Mississippi in 1830, seventy-two years ago? A I don't know.
- Q Can you give me the name of any Choctaw ancestors of yours who did live in that old Choctaw Nation either in Mississippi or in Alabama, in 1830, and who was the head of a family there? A No, sir; I don't know.
- Q Have you any family history or tradition or have you ever heard in any way from relatives in the family that Mahala Peden lived there in 1830? A No, sir.
- Q Do you know whether she claimed through her father or mother? A Her father.
- Q What was his name? A George Pierce.
- Q Did George Pierce live in the old Choctaw Nation in Mississippi or Alabama, in 1830? A I don't know.
- Q Was he the head of a family there at that time? A No, sir.
- Q How old would Mahala be if she were living now? A I don't know.
- Q You don't know where and when she was born? A Mississippi I guess; that is where she came from.
- Q You claim through your father or mother? A Father.
- Q How old would your father be if he were living now? A About forty-nine years old.
- Q He claimed through which parent father or mother? A His mother.
- Q What was his mother's name? A Mahala Pierce.
- Q Do you know whether your father has a brother who is seventy-three years old now? A Yes, sir.
- Q You know whether he was born in Mississippi or in Alabama? A No, sir; I don't.

#4

- Q He is living now is he not? A Yes, sir.
Q Where? A Down in Texas.
Q Where in Texas? A Ayers, Texas.
Q He could determine the question whether Mahala Pierce was living in Mississippi or in Alabama in 1830? A Yes, sir.
Q Why don't you bring him here as a witness? A He is too old to come here.
Q You want to take his deposition? A Yes, sir.
Q You want time to do that? A Yes, sir.

Thirty days time is allowed this applicant in order to take the deposition of her uncle.

- Q What is his name? A Jeff Peden.

Jeff Peden who is seventy-three years old and living now

- Q Living now where? A In Anderson County, Texas.
Q Did your ancestors, any of them, if Choctaw Indians, own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir not that I know of.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation, in 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel William Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1838 and 1838? A Not that I know of.

The Choctaw Indians who lived in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to record upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; both the land and the improvements were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837, by act approved March 3rd of that year appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 by act approved August 23rd of that year another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I reckon not; not that I know of.
Q Did they receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

#5

This scrip was issued under the act of Congress of August 23, 1842, and was issued to those Choctaw Indians who proved not only their right under article fourteen but also proved that they had formerly held land in the old Choctaw Nation which the government had taken from them.

- Q What relation is George Peden to you? A Brother.
Q Have you had any other relatives who have been before the Commission? A No, sir.
Q You want your case considered with that of your brothers? A Yes, sir.

The case of George Peden, M.C.R. 5793, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No, sir.
Q Is there anything more you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark eyes; dark complexion; brown hair; she does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 9, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 21st day of June 1902.

G. Rosenwinkel
[Signature]
Notary Public.

Muskogee, Indian Territory, October 14, 1902.

Mollie Updegraff,

Ravia, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Peden, et al., embracing the following applications for identification as Mississippi Choctaws:

George Peden, et al.,	M.C.R. 5793
Mahala Bradshaw, et al.,	M.C.R. 5795
Mollie Updegraff, et al.,	M.C.R. 5794

These applications were made under the provision of the act of Congress of June 24, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Peden, Jesse Peden, Ester (or Esther) Peden, Mahala Bradshaw, Ella Bradshaw, Essie Bradshaw, Mollie Updegraff and Effie Updegraff, as Choctaw Indians entitled to

M U A

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIC)

E. S. Woodlee

Commissioner in Charge.

Registered.

H.C.R. 5702.

Muskogee, Indian Territory. December 5, 1902.

Mollie Updegraff,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on the 32nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Feden, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED,

Acting Chairman.

No.

5794

For Identification as a Mississippi Choctaw.

Date

JUN 2 - 1902

Name Mollie Updegraff

Age 22 - Blood "16

Post-Office, Ravia, D. T. -

Father: John Peden.

d

Mother:

Virginia

"

l.

Claims through father -
husband

Charlie Updegraff - l. w.
No claim for husband.

Children:

~~Edie~~

Effie Updegraff, 7m

Claims for self and
children

Choctaw MCR 5795

Mahala Bradshaw

MCR 5795

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 9, 1902.

5795

In the matter of the application for identification as Mississippi Choctaws of Mahala Bradshaw for herself and her two minor children Ella and Essie Bradshaw.

Applicants not represented by attorney.

Mahala Bradshaw being first duly sworn testifies as follows:

-:Examination by the Commission:-

- Q What is your name? A Mahala Bradshaw.
Q What is your age? A Going on twenty-five.
Q Twenty-four now? A Yes, sir.
Q What is your post office address? A Ravia.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A At Ravia about five years; I have lived in the Nation seven years.
Q Where did you live before you came to the Territory? A Cook County.
Q Texas? A Yes, sir.
Q Were you born there? A Yes, sir.
Q Until seven years ago did you live in Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Tom Peden.
Q What is the name of your mother? A Virginia Peden.
Q Do you claim your Choctaw blood through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q When and where were your father and mother married? A Cook County, Texas.
Q You remember the day of the month and year? A No, sir.
Q Were they married by a minister and under a license? A I could not tell you for certain.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Sam Bradshaw.
Q Is he living? A Yes, sir.
Q White man? A No, sir; he is an Indian.
Q What is his Indian blood? A One-quarter.
Q One-quarter Choctaw? A Yes, sir.
Q Has he made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q He has been before the Commission has not? A Yes, sir.
Q You know when he came before the Commission to be identified as a Mississippi Choctaw? A It was in June three years ago when they was at Colbert.
Q Did he make application as Sam Bradshaw? A Yes, sir.
Q What brought you here to-day; application was made by your husband June 10, 1900, for you? A We heard that an Indian could

not put in for his wife.

- Q. You want to withdraw from this application of June 1900? A Yes, sir.
- Q. Where is your husband? A He is at home.
- Q. Did he receive a notice from the Commission in answer to his letter of April 23rd? A He got one letter and he answered it.
- Q. Does your husband Sam Bradshaw intend to come before the Commission again? A He aims to come or get definitions or whatever you call it; he says it is necessary for him to come.
- Q. Do you remember the exact date of the application of your husband for identification as a Mississippi Choctaw? A No, sir.

The records in the possession of the Commission show that on June 19, 1900, the husband of this applicant, Sam Bradshaw, appeared before the Commission at Colbert, Indian Territory, and there made application for the identification as Mississippi Choctaws of himself, his child Ella and his two minor sisters Myrtle and Ada Bradshaw and for his wife Mahala Bradshaw as an intermarried Mississippi Choctaw.

- Q. When your husband made application at Colbert, Indian Territory, June 19, 1900, he testified that he made application for his wife, yourself, Mahala Bradshaw? A Yes, sir.
- Q. And he wanted to have you identified as a Mississippi Choctaw by intermarriage, being a white woman, and stated in answer to this question "What is the name of your wife?" Answer; "Mahala Bradshaw" Question "Is she a white woman?" Answer; "Yes, sir" Question; "Do you make any claim for her?" Answer; "Yes, sir." Question; "Upon what do you base your claim for your wife?" Answer; "Intermarriage". Now; are you a white woman or have you Choctaw Indian blood? A I have Choctaw Indian blood.
- Q. Then that statement made by him at that time was a mistake was it where he states you are a white woman? A He knowed that I always claimed Indian blood.
- Q. Was it a mistake or not; he says in his sworn statement at that time that you were a white woman and you say you have Choctaw blood; was it a mistake or not? A Yes, sir.
- Q. And because you have Choctaw Indian blood do you come before the Commission at this time in order that you may make application in your own behalf to be identified as a Mississippi Choctaw claiming your right through article fourteen of the treaty of 1830? A Yes, sir.
- Q. You claim that you have Choctaw Indian ancestors who lived in the state of Mississippi? A My father came from Mississippi.
- Q. Then your ancestor used to live in Mississippi? A Yes, sir.
- Q. Are you making this claim for yourself alone? A Myself and three children? A
- Q. Have not your children already been applied for by your husband? One has.
- Q. Have you had children born since that application? A Yes, sir.
- Q. What are the names of your children for whom you desire to make application? A Ella is the eldest one.
- Q. Ella Bradshaw? A Yes, sir.
- Q. How old is Ella? A She is five years old in July.
- Q. What is the name of the next child? A Nessie, E s-s-i-e.
- Q. How old is she? A Fourteen months old.
- Q. Nessie was born was she since your husband made application at Colbert, Indian Territory, before the Commission June 19, 1900? A Yes, sir.

- Q Do you make application also for your older daughter Ella Bradshaw in order that she may get the advantage of the Choctaw blood which you claim? A Yes, sir.
- Q Is Sam Bradshaw the father of these two children? A Yes, sir.
- Q You are the mother? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Active Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Has any application ever been made for you or by you for identification as a Mississippi where the claim was based upon your Mississippi Choctaw blood? A No, sir.
- Q Do you now come before the Commission to identify yourself and your two minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir.
- Q The article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830. That article was put into the treaty when it was discovered that a good many Choctaw Indians would not go from the old Choctaw Nation to the Choctaw Nation, Indian Territory under the provisions of the treaty of 1830. This treaty was made between the United States government and the Choctaw Indians and was made for the purpose of removing the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory.
- Q Do you understand that article well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A Mahala Pierce.
- Q She married whom? A Thomas W. Peden.
- Q What relation was she to you? A Mr. Grandmother.
- Q How much Choctaw blood did she have? A One-quarter.
- Q Was Thomas W. Peden a white man? A Yes, sir.
- Q You claim your Choctaw blood then through your father? A Yes, sir.
- Q He through which parent father or mother? A Mother.
- Q What was her name? A Mahala Pierce.
- Q You are not related to your husband in any way except by marriage? A No, sir.

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- Q At the time when he made his application before the Commission at Colbert, Indian Territory, he was under the impression that you were a white woman and had no Choctaw blood? A I always claimed Choctaw blood. I always told it; I always claimed it. He might not have thought of it when he was there.
- Q What relation are you to George Peden? A Sister.
- Q What relation are you to Mollie Updegraff? A Sister.
- Q Would you like to have these cases consolidated with yours? A Yes, sir

The case of George Peden, a brother of this applicant, M.C.R. 5793, is here referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors claim any land in Mississippi in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.

In 1837 Congress appointed a Commission to go to Mississippi and hear Choctaw Indian claimants who claimed rights under article fourteen of the treaty of 1830. This Commission was appointed under the act of Congress approved March 3, 1837. In 1842, under an act approved August 23rd, 1842, Congress appointed another Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints made by Indians that lived in Mississippi in the old Choctaw Nation after the treaty of 1830 was ratified who claimed that they had gone to Colonel Ward the United States Indian Agent, within six months from the ratification of the treaty and attempted to register under article fourteen of that treaty and that he had refused to put their names upon his well known as Ward's register. Because of this refusal these Indians lost their land which they held in the old Choctaw Nation.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.

In 1842, by act of Congress approved August 23rd of that year scrip was issued to Indians who proved first, that they had complied with article fourteen and secondly that they had had land in the old Choctaw Nation which the government had taken from them and sold. This scrip was issued to these Indians and gave them a right to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from any of the vacant government lands.

- Q Do you know whether any of your Choctaw ancestors received any such scrip from the government as Choctaw Indians? A No, sir; I do not.

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- Q Do you speak the Choctaw language? A No, sir.
Q Is there anything more you want to say in support of this claim?
A No, sir.
Q Have you any evidence you want to present now in support of your application? A No, sir.
Q

Thirty days time is allowed this applicant in which to introduce proper testimony in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has light complexion brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 9, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel
Subscribed and sworn to before me this 20th day of June 1902.

Clara M. M. M. M.
Notary Public.

Muskogee, Indian Territory, October 14, 1902.

Mahala Bradshaw,

Ravia, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Peden, et al., embracing the following applications for identification as Mississippi Choctaws:

George Peden, et al.,	M.C.R. 5792
Mahala Bradshaw, et al.,	M.C.R. 5795
Hollie Updegraff, et al.,	M.C.R. 5794

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats, 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Peden, Jesse Peden, Hater (or Hather) Peden, Mahala Bradshaw, Ella Bradshaw, Essie Bradshaw, Hollie Updegraff

and Biffie Updegraff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Registered.

Commissioner in Charge.

M.C.R. 5795.

Muskogee, Indian Territory, December 5, 1902.

Mahala Bradshaw,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Peden, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 1 1902

Name Mahala Bradshaw,

Age 24

Blood 1/16

Post-Office,

Ravens. I. T.

Father:

Tom Pedern, d

Mother:

Virginia " l.

Claims through father — —
 husband
 Sam Bradshaw, l. ind.
 (1/8 choct. born before
 the Com.)

Children:

Ella Bradshaw, — 5

Eddie " 14 m.

claims for self
 and children

Stenographer

G. Hammaker

Mahala Brodshaw et al.

R. 5795

NOV 22 1902

Choctaw MCR 5796

Isaac Thompson

MCR 5796

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Isaac Thompson, et
al., for identification as Mississippi Choctaws, M.C.R. 5796.

--: I N D E X :--

	(Page)
Original application of Isaac Thompson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certified copy of marriage record between Isaac Thompson and Bettie Robinson-----	10
Copy of letter of the Commission addressed to Isaac Thompson relative to the above marriage record-----	12
Certificate of marriage to Isaac Thompson and Bettie Robinson-----	13
Decision of the Commission identifying above ap- plicants-----	14.

---o---

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 9th, 1902.

5796.

In the matter of the application of Isaac Thompson, for the identification of himself, his wife, Betsy Thompson, and his four minor children, Jimmie Thompson, Sarah Thompson, Arthur Thompson, and Leonie Thompson, as Mississippi Choctaws.

Isaac Thompson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Isaac Thompson.
- Q What is your age? A Thirty-nine, not quite thirty-nine but I call it thirty-nine.
- Q You think that is about right? A Yes sir.
- Q What is your post-office now? A Kullituklo, Indian Territory.
- Q How long have you lived in Kullituklo? A About five months.
- Q Where did you live before that? A Louisiana.
- Q Where in Louisiana did you live? A At Voyil Parish.
- Q How long did you live there? A I was born there.
- Q Did you live in Louisiana all your life until you came to the Territory? A Yes sir since I was born.
- Q Can you give me the name of your father? A My father, Choctaw name.
- Q What was his English name? A Thompson.
- Q Your father's name was Thompson? A Yes sir.
- Q Nothing else except Thompson? A Nothing else except his Choctaw name.
- Q Give me his Choctaw name? A I-to-combi.
- Q Is he dead? A Yes sir.
- Q What is your mother's name? A I can't call her name; she died before I remember.
- Q Do not know her Choctaw name? A No.
- Q Is she dead? A She dead long ago.
- Q Was your father a full blood Choctaw? A Full blood Choctaw.
- Q Your mother a full blood Choctaw? A Yes sir.
- Q Do you claim your Choctaw blood through both your father and mother? A Yes sir.
- Q How much do you claim? A Full blood.
- Q Have your father and mother ever been recognized or enrolled as Choctaw Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? They never lived in the Territory, did they? A No sir.
- Q They never came from Louisiana? A No.
- Q They never had anything to do with the Indian Tribe here did they? A No sir.
- Q And they were never enrolled by them? A No sir.
- Q Never put on the tribal rolls here? A No.
- Q They could not be because they were not here? A Yes sir.
- Q Do you know if your father and mother were married by a Minister or according to the Choctaw custom; were they married by a white man or by a Choctaw in the Choctaw way? A Yes I understand.
- Q Not by a white man or Minister? A No.

- Q Just Choctaw way? A Yes sir.
- Q Have you got a wife? A Yes sir, and I tell you about this marriage business; when we live in Louisiana and when we come here in this Territory we want to be sure of it, and some of them said the best way for me to buy a license and so I bought it and I have got it now, you can read it. (Presents a paper)
- Q You and your wife were married in Louisiana were you not in the Choctaw way? A Yes, Choctaw way.
- Q How many years ago? A It was in 1883.
- Q At what place? A Woyil Parish.
- Q When did you come from that state and come to the Choctaw Nation, Indian Territory? A The last time I come in this Nation was December 22, 1901.
- Q And you live at Kullituklo, do you? A Yes.
- Q Now, you give me a marriage license and certificate dated May 7, 1902? A Yes sir.
- Q Somebody advised you to marry over again when you came here did they; said it was the best way to do? A Yes.
- Q Aaron Homer did this? A Yes sir.
- Q He told you it would be better to marry again? A Yes, because he said when anybody had a wife, I would have something to show it up.
- Q How much did you pay for this marriage license? A Three dollars.
- Q Is that all you paid? A And when I was married two dollars.
- Q You paid five dollars altogether? A Yes, sir.
- Q At Kullituklo, Choctaw Nation, Indian Territory? A Yes sir.

The certificate and record of marriage of Isaac Thomson and Betty Robinson, presented by applicant, is received, filed, marked "Exhibit A" and made a part of the records in this case.

Also the certificate of A. H. Homer, Minister of the Gospel, dated May 12, 1902, presented by applicant, received, filed, marked "Exhibit B", and made a part of the records in this case.

This applicant states that he was married according to the Choctaw custom in Louisiana but that when he came to the Indian Territory he was advised by A. H. Homer, Minister of the Gospel, to marry again, and he presents this certificate of record of marriages and license in proof of his second marriage.

- Q Is A. H. Homer a citizen of the Choctaw Nation? A Yes sir.
- Q And an Indian? A Yes sir Choctaw Indian.
- Q Your wife's name is Betsy is it? A Betsy.
- Q Betsy is the same as Betty in the marriage license is it? A Yes sir.
- Q How old is Betsy or Betty? A Forty-one.
- Q Older than you? A Yes sir.
- Q How much Choctaw blood has she? A Full blooded.
- Q She lives with you at your home in Kullituklo? A Yes sir.
- Q Give me the name of her father? A Lewis Robinson.
- Q What is his Indian name? A O-ka-la-hatubbi.
- Q Full blood Choctaw? A Full blood.
- Q Is he dead? A Yes he dead.
- Q What is the name of the mother of your wife? A I don't know her name.
- Q Is she dead? A Yes dead long ago.
- Q Have your wife's father and mother ever been enrolled as Choctaw Indians in the Indian Territory? A In this Territory?

Q Yes, or recognized as Indians in the Indian Territory? A No sir, never have been in this Nation.

Q Therefore never have been enrolled or recognized as Choctaw Indians in the Indian Territory? A No.

Q Have you any children? A Yes.

Q How many? A Four.

Q Give me the name of the oldest? A Jimmie Thompson.

Q How old is Jimmie? A Sixteen years old.

Q Not married? A No.

Q What is the name of the next child? A It was a girl named Sarah Thompson.

Q Married? A No sir.

Q How old is Sarah? A Fourteen years old.

Q What is the name of the next child? A Its a boy named Arthur Thompson.

Q How old is Arthur? A It eleven years old.

Q The next? A A girl named Leonie Thompson.

Q How old is Leonie? A Six years old.

Q Is that all? A Thats all.

Q Is Betsy Thompson the mother of these children? A Yes sir.

Q You are the father? A Yes sir.

Q Do you live with your wife at your home and these children live with you? A Yes sir.

Q Were you ever married or Betsy ever married before you married each other? A No.

Q She never had any other husband; you are the only man she had? A Well she had another man before I married.

Q Is he dead? A I don't know about that; I don't know whether he dead or not.

Q But she left him? A Yes.

Q Did they get a divorce or just leave; did she go away from her husband? Did the first husband leave Louisiana? A Yes sir.

Q He went away from his wife? A Yes he went away.

Q That is according to the Choctaw way is it? A Yes.

Q And then she got married again? A Yes.

Q Did she have any children by her first husband; any other children except these? A Thats all the children I had.

Q And has your wife any? A One.

Q Is it with her? A Its married.

Q Where does that one live, your wife's child by her first husband? A She live at Kullituklo; they were to come with us but did not have any money to pay their way and did not come.

Q Is that daughter in Kullituklo? A Yes sir.

Q Is her husband with her? A Yes sir.

Q Have they any children? A Yes sir.

Q What is that daughter's name; what is her husband's name? A Earnest Jesse.

Q And what is the daughter's name? A Arrie Jesse.

Q That is your wife's oldest child? A Yes sir.

Q Have they any children? A Yes sir.

Q How many? A Three.

Q Can you give me the names of those three children? A The oldest, its a boy, Winston Jesse.

Q The next one? A Is Willie.

Q A boy? A Yes.

Q The next? A The next, it ain't a year old, its a baby, named

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George.

- Q A boy? A A boy, seven months old.
- Q What was the name of your wife's first husband? A I don't know.
- Q Now is your name, your wife's name, or the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you, or your wife, or any of these children, or anyone for them ever made application to the Choctaw tribal authorities in the Indian Territory for enrollment as Choctaw citizens in the Indian Territory? A No.
- Q Did you ever try to become enrolled as a Choctaw citizen or try to get your wife enrolled as a Choctaw citizen or any of these children, by going to the Dawes Commission under the act of Congress of June 10, 1896, and asking them to enroll you all as Choctaw Indians? A No sir, I was in Louisiana.
- Q You lived in Louisiana only a short while ago? A Yes sir.
- Q What month was that? A In December, 1901.
- Q And you had always been in Louisiana up to that time? A Yes.
- Q Have you ever been enrolled as a member of the Choctaw tribe of Indians or have your wife or children, by making application to either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No.
- Q This is the first time you have ever tried to be identified or enrolled as a Choctaw citizen or tried to get your wife enrolled or identified or tried to get your children enrolled or identified as Choctaw citizens? A Yes sir this is the first time.
- Q Do you now come here to the Commission as a full blood Choctaw Indian to be identified as a Mississippi Choctaw Indian, and to identify your wife and your four minor children as Mississippi Choctaw Indians under article fourteen of the treaty of 1830? A Yes thats what I want.
- Q Now do you claim under article fourteen of the treaty of 1830? (No response)

The treaty of 1830 was made between the Choctaw Indians and The United States government. That treaty was a contract that was signed by the Choctaw Indians, in which they agreed to come from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in the Indian Territory. Now, a good many Indians said they would not go, and stayed back there in the old Choctaw Nation. Then something had to be done for them; some law made for them, and so article fourteen was put into the treaty of 1830. That meant that a few words was put in the treaty for them, and it said they could stay if they wanted to, and if they stayed they must go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay back there, take land there and become citizens of the states, and then they could stay, and after they had lived on that land for five years in Mississippi they could have it, the government would give them a deed for it. That is article fourteen of the treaty of 1830.

- Q You claim under that don't you? You want to claim under that as a Choctaw Indian having ancestors, grand parents, who lived in the old Choctaw nation? A Yes sir.
- Q Did you ever hear of article fourteen of that treaty before? A No sir.

Article fourteen of the treaty of 1830 reads as follows:

"ARTICLE XIV: Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one Section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that don't you? A Yes I understand, pretty well.
- Q You understand it well enough to know that it was under this article fourteen that all these Indians come here? A Yes.
- Q What is the name of your grand mother, your great grand mother, your grand father or your great grandfather, - who is it you are claiming through now? Give me the name of your grand father?
- A Nicholas is his English name.
- Q Give me his Indian name? A She-ne-ba-hombi.
- Q He was a full blood, was he? A Full blood Choctaw.
- Q Your grandfather? A Yes, my grandfather.
- Q Both your grandmother and your grandfather full blood Choctaws?
- A Yes sir.
- Q Did they live in Mississippi? A My grandfather and grand mother used to live in Mississippi; they are from there.
- Q Did they live there seventy-two years ago, in 1830? A I can't tell you, I don't know.
- Q Did you ever hear that they did? They were pretty old people were they when they died? A Yes sir.
- Q Did they not live there in 1830? A They must have been living there.
- Q Did they not have children living there then, don't you think they did? A I don't know.
- Q Did you never hear them talk of having any family there at that time? A No, sir.
- Q Was Nicholas, your grandfather, born in Mississippi? A Yes sir.
- Q Did not they live a good long time there; did they not live all their lives there? A I don't know.
- Q Did they ever go to Louisiana? A No.
- Q They always stayed in Mississippi then? A Yes sir.
- Q They must have died in Mississippi did they? A They died in Louisiana.
- Q Seventy-two years ago do you think they lived in Mississippi?
- A I expect so, because they was in Louisiana when the war time.
- Q That was in 1861? A Yes sir.
- Q Did they come to Louisiana just a little while before the war?
- A Yes, I think so, not very long.
- Q Then your grandfather and grandmother were born in Mississippi and lived there until just a little before the war time? A Yes sir.

- Q Did your grandfather go into the war? A No.
- Q Did he talk the English language? A I can't tell you, because he was dead a long time.
- Q Were you a little boy when your grandfather died? A Yes sir.
- Q And you are how old now? A Thirty-nine I call it.
- Q You were a little bit of a boy? A A little bit of a kid, I never remember at all.
- Q Was he a pretty old man when he died? A I expect so.
- Q Did your mother say so? A I don't remember, he died a long time ago.
- Q You do not remember him at all? A No sir.
- Q Did your father tell you that your grandfather was a very old man when he died? A No sir she never told me anything about him.
- Q Was your grandmother an old lady when she died? A Yes, pretty old.
- Q You remember that now pretty well? A That's what they said; I don't know myself.
- Q Now, Isaac, don't you suppose that they lived in Mississippi in the old Choctaw Nation in 1830, seventy-two years ago; they were old people and born in Mississippi, don't you think so? A Yes, I know they lived there that time.
- Q And did they have some children living there at that time? A Yes.
- Q Now that is all you know about your grandfather and your grandmother? A Yes sir.
- Q Now, I want to ask you about your wife's father, his name was Lewis? A Yes sir.
- Q He was a full blood Choctaw? A Full blood.
- Q Do you know how old he was when he died? A I can't tell exactly, pretty old.
- Q Did Betsy's father's father live in Mississippi? A Yes sir.
- Q Do you know what his name was, Betsy's grandfather? A No, I don't know it.
- Q You do not know Betsy's grandfather's name? A No sir.
- Q Do you know Betsy's grandmother on her father's side? A No.
- Q Do you know her grandmother on her mother's side? A No.
- Q Do you know her grandfather on her mother's side? A No.
- Q You can not go back to Betsy's grandfather or grandmother at all can you? A No.
- Q Did you ever hear that any of them lived in Mississippi? A Yes, they come from Mississippi.
- Q Who came from Mississippi? A My wife's father came from Mississippi.
- Q Is he dead now? A Yes he dead.
- Q How old was Lewis, your wife's father, when he died? A He must have been fifty some odd years old; he was pretty old man when he died.
- Q He came from Mississippi? A Yes.
- Q But you don't know any of the grandparents of your wife, Betsy? A No sir.
- Q Did they all live in Mississippi? A Yes sir, all come from Mississippi.
- Q You think some of them lived there in 1830, seventy-two years ago? A Yes I know she lived there then.
- Q Did they have children there then, do you know? A Yes, I know they did.

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- Q But you can not give the names of any of them? A No sir.
- Q Did any of your ancestors, I mean your grandfather, or great grandfather or your grandmother or great grandmother, or any of your wife's ancestors, own any land or claim any land under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.
- Q Did any of your ancestors or your wife's ancestors, your Choctaw ancestors, own any improvements on any land in Mississippi or Alabama in 1830? I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors comply or attempt to comply in any way with article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, and take land there, and become citizens of the states? A No, I don't know.
- Q You never heard that within six months after the ratification of the treaty of 1830 any of them went to Colonel Ward and told him they wanted to stay there and take land there? A No sir, never heard that.
- Q Did any of your ancestors or your wife's ancestors come from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1840, you never heard of that did you? A No, sir.
- Q They went from Mississippi to Louisiana did they not? A Went from Mississippi to Louisiana, yes.
- Q But they did not come to the Territory? A No, didn't come to the Territory.
- Q I mean any of your folks or your wife's folks when I speak of ancestors, I mean both your folks and your wife's folks? A Yes sir.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation in the Indian Territory, were required if they wanted to take advantage of article fourteen of that treaty to go to Colonel Ward, United States Indian Agent, and tell him they wanted to stay in Mississippi, take land there and become citizens of the state. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register", and as a result of this it caused a good many Indians who held land in the old Choctaw Nation, upon which they had improvements, to lose both their land and improvements, which were taken from them and sold by the government at its public land sales. This caused a good many complaints among the Choctaw Indians, and in 1837 a Commission was appointed under a act of Congress approved March 3rd of that year, and in 1842 also another Commission was appointed under an act of Congress approved August 23rd of that year. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions, that of 1837 or that of 1842, and claimed any rights under article fourteen of that treaty? A I don't know.

Q You never heard that did you? A No.

Q Now, Isaac, that all means this: When the other Indians went to the Territory in 1831 five thousand of them said No, we won't go. We will stay here in Mississippi. All the rest went to the Territory. If they went to Colonel Ward and told him they wanted to stay in Mississippi and take land there, they could go and take land there. If you were the agent I would tell you I want to take land here. You say all right then, I could go and take it; then you put my name down on a piece of paper and say he has gone and taken land here. And those Indians who had their names put down on the Ward's Register were all right, and they could keep their land; but he did not put down some of their names on the paper, he forgot. Then the government says their name is not down on the piece of paper, and we will take the land from them and they did take the land from them. That paper was called "Ward's Register", and those Indians whose names ought to have been down on that paper and were not and had their land taken from them made a complaint to the government in Washington. They said: here, we ought to be down on that paper, why not? And they took our lands. So the government appointed some men and set them down to Mississippi to hear those men who had their land taken from them, and hear what they had to say, and if they saw they should have their to give them their land. And if they saw that they ought not, then the men did not give the land to them. That was called the Commission of 1837, and another Commission was appointed by Congress in 1842, and this was called the Commission of 1842; and they put a good many men down on their lists and let them go and take land in Mississippi, because they ought to have been down on Ward's Register.

Q Now, did your grandfather or your grandmother, either on your father's side or your mother's side, or did your wife's grandfather or your wife's grandmother, either on her father's or mother's side, get any land in Mississippi, have their names placed upon these lists? A I never heard that.

Q Did you ever hear that any of your wife's people or ancestors, or did your grandfather, or your great grandfather, or your grandmother, or your great grandmother, or any of your kin in a direct line back get any pieces of paper called script or certificates showing that they could go out in Mississippi or Alabama, Louisiana or Arkansas, and chose land which the government would give them under this script or certificates in place of the land they had once had in the old Choctaw Nation, and which the government had taken from them, - did you ever hear they got any right to go and get land like that? A No sir.

Q They never got any such script so far as you know? A No, I never heard of that.

Q Is this man here, Tom Williams, any kin of yours? A Yes, he is my brother-in-law.

Q Did he marry your sister? A Yes sir.

Q You are not related by blood are you? A No sir.

Q Your sister married him? A Yes sir.

Q Are you related to Lester Jackson? A Yes, I think first cousins; my father and his father are both brothers.

Q Where does he live? A Kullituklo, Indian Territory.

Q Your father's name was Thompson? A Yes.

#9

- Q And what is his father's name? A Jackson.
Q Are they both dead? A Both dead.
Q Has Lester Jackson been before the Commission to be identified as a Mississippi Choctaw? A Yes, I believe so.
Q You are a first cousin then of Lester Jackson who was admitted as a Mississippi Choctaw by an act of Council approved October 16, 1895? A Yes sir.
Q And he was enrolled on the 1896 census roll as Lastie Jackson? A Yes.
Q He is the same fellow? A Yes sir.
Q Your father and his father were brothers? A Yes sir.

The record in the case of Lester Jackson may be found on the Choctaw roll, Field No. 1123, dated April 29, 1899.

- Q Is there anything more you want to say? A Yes sir, there is one thing more I want to say. I have one sister, and she is married, and they have a child, but the husband is dead; only she live with her sisters.
Q Where? A Kullituklo.
Q She lives with her sister, who is Tom Williams' wife? A Yes sir.
Q What did you want about them; how old is she? A Forty years old; older than me.
Q She is a widow woman? A Yes sir.
Q And lives with her sister, the wife of Tom Williams, at Kullituklo? And have one child? A Yes sir.

This applicant is a full blood Choctaw citizen; he speaks the Choctaw language, and has a sufficient knowledge of the English language, if simple words are used, to converse in the English language and to give his testimony in that language. There is no question about his being a genuine full blood Choctaw Indian. In December he came from the state of Louisiana to the Choctaw Nation, Indian Territory. He is a first cousin of Lester Jackson, who was admitted as a Mississippi Choctaw by act of the Choctaw Council approved October 16, 1895, and whose name appears upon the 1896 census roll of the Choctaw Nation as Lastie Jackson. Like most of the full blood Choctaw Indians living in the state of Mississippi and Alabama with whom the examiner has come in contact, he knows very little about the treaty of 1830 or of article fourteen of that treaty, and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of that treaty.

W. H. Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings, on the 9th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 11th day of June, 1902.

Charles E. Sawyer

Notary Public.

Over

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Isaac Thompson, et al., for identification as Mississippi Choctaws, M.C.R. 5796.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on June 9, 1902 by Isaac Thompson for himself, his wife Betsy Thompson, and his four minor children Jimmie, Sarah, Arthur and Leonie Thompson under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Isaac Thompson, Betsy Thompson, Jimmie Thompson, Sarah Thompson, Arthur Thompson and Leonie Thompson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

5-796

Re "B"

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 9 1902



ACTING CHAIRMAN

This is to certify that
Isaac Thompson and Walter
Roberson are duly
married according to law
by A. H. Homer this the
12 day of May A. D. 1902
A. H. Homer
Minister of the Gospel

(Copy)

No. 445.

Form No. 593.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,)
The Indian Territory,) ss
Central District.)

To any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby commanded to solemnize the Rite and publish the BANNS OF MATRIMONY between Mr. Isaac Thompson of Kulli Tuklo in the Indian Territory, aged 39 years, and Miss Bettie Robinson of Kulli Tuklo in the Indian Territory, aged 41 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 7 day of May,
A. D., 1902

E. J. Fannin,

((SEAL))

Clerk of the United States Court.

Jos. R. Foltz, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)
The Indian Territory,) ss
Central District.)

I, A. H. Homer, a minister of
the Gospel, do hereby CERTIFY,

that on the 12 day of May, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 12 day of May, A.D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book A, Page 283.

A. H. Homer,

(() a Minister of the Gospel.

NOTE.--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00). 7-660

Endorsed on back as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
JUN 9 1902
Tams Bixby, Acting Chairman.

Ex A.

5796

No. 445.

CERTIFICATE OF RECORD OF
MARRIAGES.

UNITED STATES OF AMERICA,)
The Indian Territory,) sct:
Central District.)

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. Isaac Thompson and M. Bettie Robinson was filed in my Office in said Territory and District the 17 day of May, A. D. 1902 and duly recorded in Book 1 of Marriage Record, Page 223.

WITNESS my hand and seal of said Court, at Antlers this 17 day of May, A. D. 1902.

E. J. Fannin, Clerk.

By Jos. R. Foltz, Deputy.
7-660

I, the undersigned, Chief Clerk of the Choctaw Chickasaw Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Wm. M. Deall
Chief Clerk,
Choctaw-Chickasaw Enrollment Division.

Subscribed and sworn to before me this 11th day of September, 1902.

Muskogee, Indian Territory, September 11, 1902.

Isaac Thompson,

Kullitukle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, wherein you request that the original marriage license and certificate between yourself and your wife Bettie, which you filed in support of the application made by you for the identification of yourself, wife, and minor children as Mississippi Choctaws, be returned to you.

In compliance with your request the same is herewith enclosed; a certified copy of the same having been made and filed with the record in your case.

Yours truly,

Acting Chairman.

Enc. Mem--139

COP.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Isaac Thompson, his wife Betsey Thompson, and minor children Jimmie Thompson, Sarah Thompson, Arthur Thompson, and Leonie Thompson, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Isaac Thompson, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully

Registered.
Enc. W.C.R: 33.

Tame Stuby
Assistant Chairman.

M.C.R. 5796

Muskogee, Indian Territory, March 11, 1903.

Isaac Thompson,

Kullituklo, Indian Territory.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Betsey Thompson, and your minor children, Jimmie, Sarah, Arthur and Leonie Thompson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tame Bixby

Chairman

Registered

Enclosure 5796

COPY.

M.C.R. 5796

Muskogee, Indian Territory, March 11, 1903.

Isaac Thompson,

Kullituklo, Indian Territory.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Betsey Thompson, and your minor children, Jimmie, Sarah, Arthur and Leonie Thompson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Jame Dixey.

(SIGNED)

Chairman

Registered

Enclosure 5796

For Identification as a Mississippi Choctaw.

Date

JUN 9 1900

Name Isaac Thompson.

Age 39 — Blood full blood —

Post-Office, Kullituk lo. I. I.

Father: Thompson (Ito-combi), d)

Mother: — Don't know (d)

Claims through both parents —
wife: 1

Betsey Thompson 41, full blood

father: 2 Lewis - O. Ka-la-hatubbi
full blood, d

mother: 3 — — — (d)

Children:

Jimmie Thompson, 16

Sarah " 14

Arthur " 11

Leonie " 6

Claims for self &
children and
wife —

Stenographer W. H. Martini —

END
OF
ROLL

